

07-000-2762

Congress of the United States

Washington, DC 20515

February 9, 2007

The Honorable Stephen L. Johnson
Administrator
USEPA Headquarters, Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Johnson,

As you consider funding allocations for the Environmental Protection Agency (EPA), we urge you to include funding for technical assistance programs and rural water initiatives at a level that allows for local field staff to continue their work in small communities across Minnesota.

The National Rural Water Association has been very effective at carrying out the intent of the Safe Drinking Water Act and Clean Water Act. Last year, the Minnesota Rural Water Association made over 3000 on-site visits to small water systems across the State and held training sessions for 2656 operators and governing officials. Small communities rely on these training sessions to give them the know-how and education on how to comply and provide safe and clean water to their communities. Without this assistance many communities would not be able to understand the complexities and the ever changing rules of the EPA.

The FY 2006 Department of Interior, Environment, and Related Agencies Conference Report provided \$11 million to the National Rural Water Association, including source water protection programs. We need to continue these efforts in 2007. The health and well being of our rural and small communities depend on it.

Your attention to this matter is greatly needed and appreciated.

Sincerely,



JAMES OBERSTAR
Member of Congress



COLLIN C. PETERSON
Member of Congress



BETTY McCOLLUM
Member of Congress



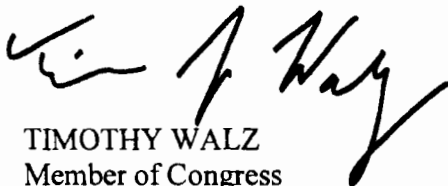
JOHN KLINE
Member of Congress



MICHELE BACHMANN
Member of Congress



KEITH ELLISON
Member of Congress



TIMOTHY WALZ
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 2 2007

OFFICE OF
WATER

The Honorable Michele Bachmann
U. S. House of Representatives
Washington, DC 20515

Dear Congresswoman Bachmann:

Thank you for your letter of February 9, 2007, to Stephen L. Johnson, Administrator of the Environmental Protection Agency (EPA), expressing your support for provision of funding to the National Rural Water Association (NRWA) from discretionary money that may be available to the Agency in the final Fiscal Year 2007 budget. I have been asked to respond to your letter on behalf of the Administrator. EPA agrees with you that it is critical to provide training and technical assistance to small drinking water systems to ensure that they are able to comply with standards under the Safe Drinking Water Act.

As you know, the NRWA receives financial assistance through Congressionally-directed funding in EPA's appropriations bills. EPA is reviewing the final appropriations language and will evaluate funding options in light of mandatory fixed costs and other priorities.

Irrespective of our final decision on funding for NRWA, I want to assure you that EPA will continue to support small systems through our other activities. The Agency supports training and develops targeted tools to help support small system implementation of regulatory requirements. States can also use funding from their Drinking Water State Revolving Fund (DWSRF) grants to support small systems. In addition to the \$14 million expended in FY 2006 for technical assistance to small systems, states also expended an additional \$38 million for other set-aside activities that primarily benefit small systems.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Steven Kinberg, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

Benjamin H. Grumbles
Assistant Administrator

of calcium polysulfide for decontamination of biological agents.) These gentlemen realize that only the EPA can test and approve a substance to use as a decontamination agent. They also recognize the potential that this substance has in the war on terror.

Two months ago, Congress passed a bill to improve US preparedness by accelerating development of new vaccines and drugs against anthrax and small pox. The bill would provide \$1 billion over three years to develop this counter measure; this is in addition to the \$5.6 billion allotted in 2004 for Project BioShield. It is my humble opinion based on the test findings of Dr. Rice at CSU that calcium polysulfide should be tested by the EPA and at the earliest possible date. Calcium polysulfide's potential is so significant that it may be the aspirin of the 21st century for bio-terrorism.

I respectfully request that you perform the testing of calcium polysulfide, as initially requested. I appreciate your attention and look forward to your response.

Sincerely,

A handwritten signature in black ink, reading "Michele Bachmann". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Michele Bachmann
Member of Congress

MB/bah

Congress of the United States
House of Representatives
Washington, DC 20515-2306

February 16, 2007

U.S. Environmental Protection Agency
Science Advisory Board
Ariel Rios Building
1200 Pennsylvania Av NW
Washington, DC 20460
Attn: Vanessa Vu

Dear Ms. Vu,

My constituent, Mr. Guy Wojtowicz, a stucco contractor, was looking for a way to deal with the mold problem occurring in new stucco houses in Minnesota. What he found was an already existing product that has, according to preliminary testing, the potential to do much more than kill mold spores.

Enclosed please find two reports prepared by Dr. Douglas A. Rice, the Laboratory Director of Environmental Health Services at Colorado State University. These reports contain the findings of his experimentation with calcium polysulfide on a variety of biowarfare pathogens. His conclusion was, "Calcium polysulfide should be considered a viable disinfectant against pathogenic bacteria since it is readily available and relatively inexpensive."

In the late, spring of 2006, Dr Nancy Adams, Director of Decontamination at the National Homeland Security Center was sent the initial test results (dated April 15, 2006) performed on an analog of Bacillus Anthracis. She forwarded the results to Eric Coghlan of the EPA, who initially said the EPA testing could take place in four to six weeks. In late August Eric Conglan advised that if calcium polysulfide could qualify as a multiple use agent, funds for testing could be available. Further testing by Dr. Rice at CSU resulted in the second report dated September 5, 2006.

Lastly, I refer you to the enclosed letter dated January 18, 2007 from Jim Papp. (Mr. Papp along with Dr. Douglas Rice and Mr. Guy Wojtowicz have applied for a patent on the use of calcium polysulfide for decontamination of biological agents.) These gentlemen realize that only the EPA can test and approve a substance to use as a decontamination agent. They also recognize the potential that this substance has in the war on terror.

Two months ago, Congress passed a bill to improve US preparedness by accelerating development of new vaccines and drugs against anthrax and small pox. The bill would provide \$1 billion over three years to develop this counter measure; this is in addition to the \$5.6 billion allotted in 2004 for Project BioShield. It is my humble opinion based on the test findings of Dr. Rice at CSU that calcium polysulfide should be tested by the EPA and at the earliest possible date. Calcium polysulfide's potential is so significant that it may be the aspirin of the 21st century for bio-terrorism.

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Michele Bachmann
Member of Congress

MB/bah

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Effective Destruction of
Bacillus atrophaeus
a *Bacillus anthracis* Analog
Using Calcium Polysulfide

Colorado
State
University

April 15, 2006

Douglas A. Rice, Ph.D.
Environmental Quality Laboratory
Environmental Health Services

Background

Calcium polysulfide (29%) has been used as a sheep dip to prevent "wool sorter's disease." Wool sorter's disease is a pulmonary form of anthrax that results from the inhalation of spores of the bacterium *Bacillus anthracis* in the wool of contaminated sheep. To date, no articles have been found that indicate the effective kill rate of Calcium polysulfide on the spores of *Bacillus anthracis*.

This study was designed to test the ability of calcium polysulfide to kill *Bacillus atrophaeus*. *B. atrophaeus* (ATCC #9372) is a non-pathogenic analog of *Bacillus anthracis* used to test the efficacy of sterilants in killing anthrax spores. Calcium polysulfide at a concentration of 29% is produced commercially by VGS and marketed as "Aqua-Clear." Various dilutions of calcium polysulfide were mixed with known populations of vegetative cells and spores of *B. atrophaeus*. A 7.25% concentration (75% dilution of the 29% original formula) of calcium polysulfide killed 99.999996% of the vegetative *B. atrophaeus* within one minute (7.4 log₁₀ reduction). A 2.9% concentration (90% dilution of the 29% original) of calcium polysulfide killed 99.998% of *B. atrophaeus* spores within 30 minutes (4.7 log₁₀ reduction).

Calcium polysulfide is extremely effective in killing *Bacillus atrophaeus* and should be equally effective in killing spores or vegetative cells of *Bacillus anthracis*. Calcium polysulfide should be considered a viable disinfectant against agents of biowarfare since it is readily available and relatively inexpensive.

Methods

This study was a classical challenge study. A known concentration of vegetative cells and spores of *Bacillus atrophaeus* were mixed with dilutions of calcium polysulfide. Aliquots of the mixture were removed at specific time intervals and plated.

Vegetative cell suspension preparation:

1. Rehydrate a new vial of *Bacillus atrophaeus*. Streak the culture for isolation onto fresh 100mm x 15mm plate of Nutrient Agar (NA).
2. Invert the plate and incubate for 2 days at 35°C.
3. Remove the plate from the incubator and check for isolated growth.
4. Pick a single isolated colony and transfer to 100 mL of nutrient broth.
5. Incubate the broth for 2 days at 35°C.
6. Serially dilute (0.1 mL into 9.9 mL) the broth and perform a plate count.
7. Incubate the plates for 24 hours at 35°C.
8. Count the plates and determine the concentration of vegetative *Bacillus atrophaeus* cells.

Spore preparation:

1. Rehydrate a new vial of *Bacillus atrophaeus*. Streak the culture for isolation onto fresh 100mm x 15mm plate of Nutrient Agar (NA).
2. Invert the plate and incubate for 2 days at 35°C.
3. Remove the plate from the incubator and check for isolated growth.
4. Pick a single isolated colony and transfer to 2000 mL of nutrient broth.
5. Incubate the broth for 2 days at 35°C.
6. Transfer the broth to sterile centrifuge tubes.
7. Centrifuge at 7,500 rpm for 15 minutes.
8. Discard the supernatant and resuspend the cells in ~100 mL of sterile tap water. Repeat the centrifugation and resuspend the cells in ~10 mL of sterile tap water.
9. Dehydrate the cell suspension in a biological safety cabinet. This step should kill all of the vegetative cells.
10. Aseptically scrape up the residual spores of *B. atrophaeus*. Confirm the presence of spores microscopically.
11. Serially dilute (0.1 mL into 9.9 mL) the spore powder and perform a plate count.
12. Incubate the plates for 24 hours at 35°C.
13. Count the plates and determine the concentration of *Bacillus atrophaeus* spores.

Inoculation

1. For test #1, mix 10 mL of undiluted (29%) calcium polysulfide solution with 10 mL of the 48 hour broth culture of *B. atrophaeus*. For test #2, mix 5 mL of undiluted (29%) calcium polysulfide solution with 15 mL of the 48 hour broth culture of *B. atrophaeus*. For test #3, mix 2 mL of undiluted (29%) calcium polysulfide solution with 18 mL of the 48 hour broth culture of *B. atrophaeus*. The resulting concentration of calcium polysulfide will be 14.5%, 7.25% and 2.9%.
2. Immediately remove 1.0 mL of each *B. atrophaeus* / calcium polysulfide test mixture, serially dilute and perform a plate count in DE Neutralizing agar.
3. Remove 1.0 mL of each *B. atrophaeus* / calcium polysulfide test mixture at 10 minutes, 30 minutes, 60 minutes, 120 minutes, and 180 minutes, serially dilute and perform a plate count in DE Neutralizing agar.
4. Incubate the plates as described above.
5. For the spore studies, inoculate three separate 1.0 mL aliquots of undiluted (29%) calcium polysulfide with 0.01 grams of the dehydrated spores of *B. atrophaeus*. Inoculate three separate aliquots of 14.5% and 2.9% calcium polysulfide in the same manner.
6. Incubate the aliquots at room temperature for 30, 60, and 120 minutes. After the test time, plate the mixture in DE Neutralizing agar.
7. Incubate the plates as described above and perform a plate count on the test samples.

Results

Table #1: Destruction of vegetative *Bacillus atrophaeus* by calcium polysulfide

Initial contact	Initial/mL	Final/mL	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	2040	99.924444	3.1
10 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	2820	99.895556	3.0
30 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	560	99.979259	3.7
60 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	160	99.994074	4.2
120 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	20	99.999259	5.1
180 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	50	99.998148	4.7

Table #2: Destruction of *Bacillus atrophaeus* spores by calcium polysulfide

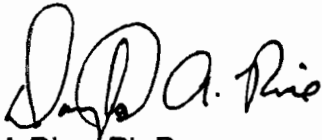
30 minutes	Inoculum (g)	Initial	Final	% reduction	Log reduction
29% polysulfide	0.011	3300	<1	99.996970	4.5
14.5% polysulfide	0.013	3900	<1	99.997436	4.6
2.9% polysulfide	0.016	4800	<1	99.997917	4.7
60 minutes	Inoculum (g)	Initial	Final	% reduction	Log reduction
29% polysulfide	0.01	3000	<1	99.996667	4.5
14.5% polysulfide	0.015	4500	<1	99.997778	4.7
2.9% polysulfide	0.018	5400	<1	99.998148	4.7
120 minutes	Inoculum (g)	Initial	Final	% reduction	Log reduction
29% polysulfide	0.015	4500	<1	99.997778	4.7
14.5% polysulfide	0.011	3300	<1	99.996970	4.5
2.9% polysulfide	0.018	5400	<1	99.998148	4.7

Initial concentration of spores was 300,000 per gram (~0.01 g inoculum)

Conclusions

Calcium polysulfide was proven to be extremely effective at killing both spores and vegetative cells of *Bacillus atrophaeus*. Within one minute, a 7.25% concentration of calcium polysulfide killed 99.999996% of *B. atrophaeus* vegetative cells in broth culture. Within 30 minutes, a 2.9% concentration of calcium polysulfide killed 99.997% of dried *B. atrophaeus* spores.

Calcium polysulfide is extremely effective in killing *Bacillus atrophaeus* and should be equally effective in killing spores or vegetative cells of *Bacillus anthracis*. Calcium polysulfide should be considered a viable disinfectant against agents of biowarfare since it is readily available and relatively inexpensive. Further studies should be considered to directly test the efficacy of calcium polysulfide against spores of *Bacillus anthracis*.



Douglas A Rice, Ph.D.
Laboratory Director
CSU – EHS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 30 2007

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Michele Bachmann
Member, U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Bachmann:

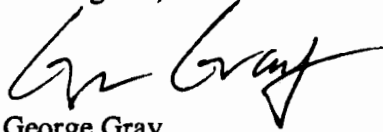
Thank you for your letters of February 16, 2007, to Ms. Vanessa Vu and Mr. Thomas Dunne, which were forwarded to EPA's National Homeland Security Research Center (NHSRC) for a response. NHSRC is part of EPA's Office of Research and Development and is responsible for conducting homeland security research for the Agency. NHSRC is always looking for new and emerging technologies that can be used by first responders, water utility operators, and others to protect the public from acts of terror.

In your letters you described the use of calcium polysulfide as a chemical compound for destroying biological warfare agents. The NHSRC technical staff has carefully reviewed the technical and performance information submitted with your letters from Mr. Guy Wojtowicz. Center staff recognize that calcium polysulfide is effective in destroying vegetative bacteria and fungi, but the data available to demonstrate its efficacy for destroying bacterial spores are limited. Center staff believe that calcium polysulfide has properties that make it impractical to use for wide-scale indoor decontamination because of safety concerns and the damage it would cause to many of the materials with which it comes in contact. Calcium polysulfide may be useful in destroying bacterial spores on outdoor materials.

The Federal government does not test and approve decontaminants, and EPA does not receive funding or authority under Project BioShield for this purpose (Project BioShield only covers human drugs). Rather, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), a company must conduct studies using methods approved by the EPA, and then the EPA reviews the data to determine whether the product may be registered for the proposed use. If your constituent would like to pursue registration, he may contact Mr. Jeff Kempter in EPA's Office of Pesticide Programs Antimicrobial Division at 703-305-5448.

Again, thank you for your letters. If you have further questions, please contact me or your staff may call Ettrina Vanzego, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2792.

Best regards,

A handwritten signature in black ink, appearing to read "George Gray", written in a cursive style.

George Gray
Assistant Administrator

cc: Thomas Dunne
Vanessa Vu
Jonathan Herrmann
Jeff Kempter
Eric Koglin

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HIGHWAYS AND TRANSIT
AVIATION



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
June 18, 2009

0 9-000-9572 **TIM HOLDEN**
17TH DISTRICT, PENNSYLVANIA

www.holden.house.gov

2417 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3817
(202) 225-5546

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We understand that EPA is evaluating its regulatory options for the management of coal combustion byproducts (CCBs) and plans to propose federal management standards for CCBs by the end of the year. This issue involves an important component of the nation's overall energy policy as EPA's decision could affect electricity costs from coal-fired plants, the continued viability of CCB beneficial use practices (which plays a significant role in the reduction of greenhouse gases), and the ability of certain power plants to remain in service. It is important therefore that the final rule reflect a balanced approach that ensures the cost-effective management of CCBs that is protective of human health and the environment, while also continuing to promote and encourage CCB beneficial use. As explained below, we believe that the federal regulation of CCBs pursuant to RCRA's Subtitle D non-hazardous waste authority is the most appropriate option for meeting these important goals.

As part of its evaluation of this issue, EPA has wisely sought input from the States regarding their preferences with respect to the three regulatory options under consideration: (1) federal regulation of CCBs as non-hazardous solid waste under RCRA Subtitle D, (2) regulation as hazardous wastes under RCRA Subtitle C, and (3) a hybrid approach where CCBs would be regulated as hazardous wastes with an exception from hazardous waste regulation for CCBs that are managed in conformance with specified standards.

We understand that, thus far, approximately 20 states, in addition to ASTSWMO, have responded to EPA's request for input on this issue and that *every* State has taken the position that the best management option for regulating CCBs is pursuant to RCRA Subtitle D. The States effectively argue that they have the regulatory infrastructure in place to ensure the safe management of CCBs under a Subtitle D program and, equally important, make clear that regulating CCBs as hazardous waste would be environmentally counter-productive because it would effectively end the beneficial use of CCBs. For the same reasons, the Environmental Council of States (ECOS) has issued a declaration expressly arguing against the regulation of CCBs as hazardous waste under RCRA.

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☐ 758 CUMBERLAND STREET
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☐ 101 NORTH CENTRE STREET, SUITE 303
POPSVILLE, PA 17901
(570) 622-4212

☐ 4918 KUTZTOWN ROAD
TEMPLE, PA 19560
(610) 921-3502

We respectfully suggest that the unanimous position of informed State agencies and associations cannot be ignored as EPA evaluates its regulatory options for CCBs. Among other things, the Bevill Amendment to RCRA directs that, as part of its decision-making process for CCBs, EPA will consult with the States "with a view towards avoiding duplication of effort." RCRA 8002(n). The States have made clear that regulating CCBs under RCRA Subtitle C would result in regulatory overkill and effectively end CCB beneficial uses.

The States' position is not surprising since it reflects EPA's own well-reasoned conclusions on four separate occasions that CCBs do not warrant hazardous waste regulation. EPA has issued two formal reports to Congress, in 1988 and 1999, concluding that CCBs do not warrant hazardous regulation. Most recently in 2000, EPA again determined that the better approach for regulating CCBs is "to develop national [non-hazardous waste] regulations under subtitle D rather than [hazardous waste regulations under] subtitle C. 65 Fed. Reg. 32214, 32221 (May 22, 2000). In reaching this decision, EPA agreed with the States that "the regulatory infrastructure is generally in place at the state level to ensure adequate management of these wastes" and that regulating CCBs as hazardous "would adversely impact [CCB] beneficial use." *Id.* at 32217, 32232.

As we know you appreciate, the impact on CCB beneficial use is another statutory consideration that EPA must consider in evaluating its regulatory options for CCBs. *See* RCRA §8002(n)(8); 65 Fed. Reg. at 32232. Given that both EPA and the States have recognized that regulating CCBs as hazardous waste would have an adverse impact on CCB beneficial use, we find it difficult to imagine a legitimate basis for EPA pursuing the hazardous waste regulatory option for CCBs, even the so-called hybrid approach. As EPA correctly reasoned in selecting the Subtitle D approach in its 2000 regulatory determination, it did not want "to place any unnecessary barriers on the beneficial uses of [CCBs], because they conserve natural resources, reduce disposal costs and reduce the total amount of wastes destined for disposal." *Id.* at 32232. As stated earlier, the beneficial use of CCBs will also play a significant role in the country's Climate Change policies.

In addition to promoting increased CCB beneficial use, a Subtitle D approach will be protective of human health and the environment, as EPA has already concluded that State programs are in place to effectively regulate CCBs. *Id.* at 32217. A 2006 EPA/DOE report reinforces this conclusion by confirming the recent development of even more robust state controls for CCBs.


In view of the above, we respectfully urge EPA to work closely with the States in developing a performance-based federal program for CCBs under RCRA's Subtitle D non-hazardous waste authority. Such an approach would meet the Bevill Amendment's goals of ensuring the safe management of CCBs while continuing to promote and expand their beneficial use.

Thank you for your consideration.

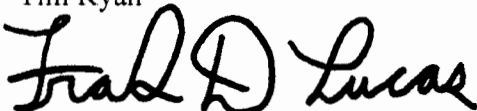
Sincerely,



Tim Holden



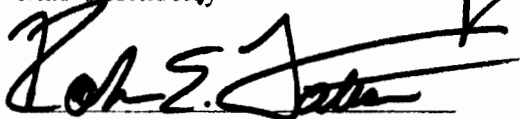
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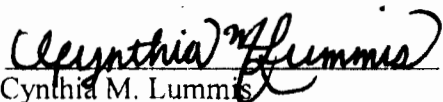
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Mac Thornberry



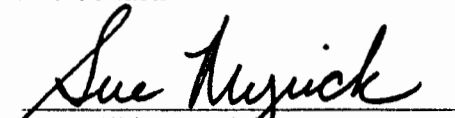
Robert E. Latta



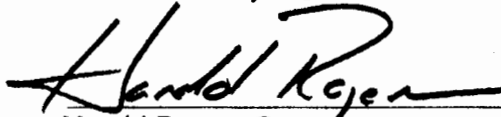
Cynthia M. Lummis



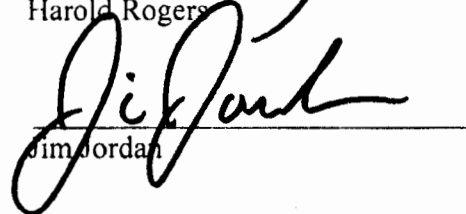
Jim Gerlach



Sue Wilkins Myrick



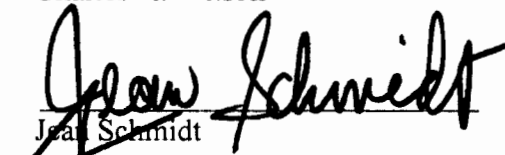
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Jim Jordan



Charles A. Wilson



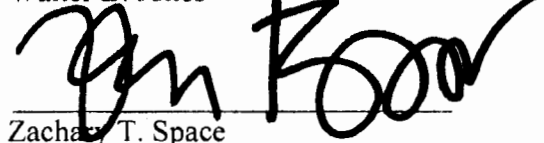
Jean Schmidt



Charles W. Dent



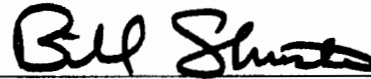
Walter B. Jones



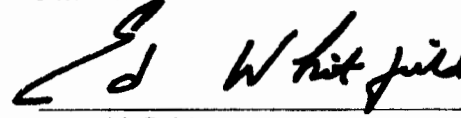
Zachary T. Space



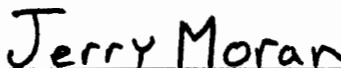
Lynn Jenkins




Bill Shuster



Ed Whitfield



Jerry Moran

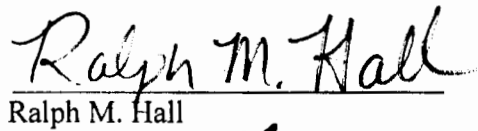


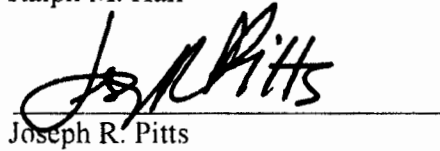
John Fleming


Marion Berry

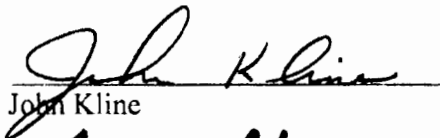

Steven C. LaTourette


Mike Ross

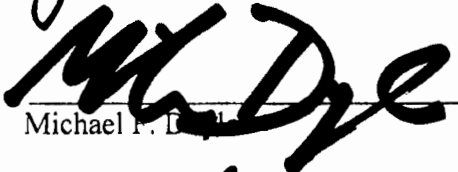

Ralph M. Hall


Joseph R. Pitts

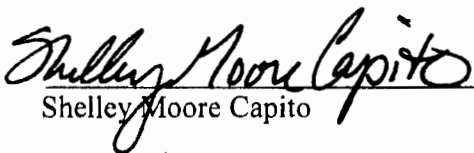

Travis W. Childers

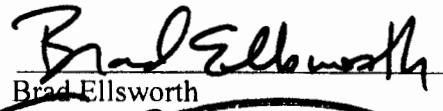

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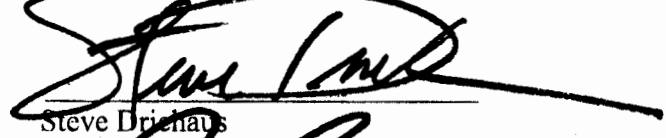

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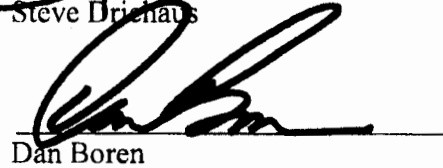

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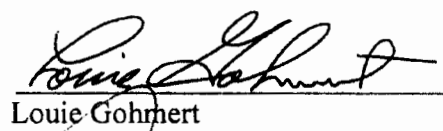

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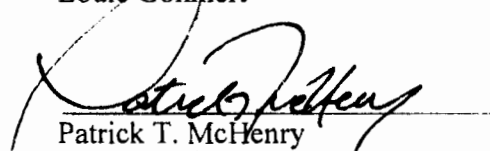

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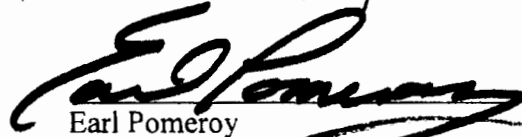

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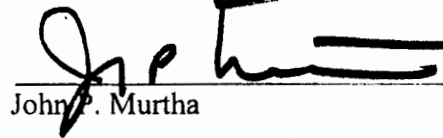

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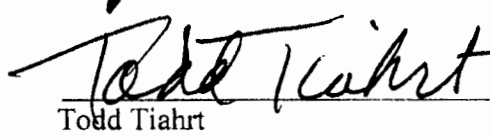

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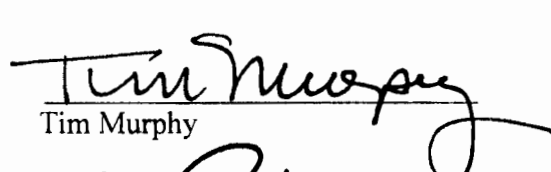

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Patrick T. McHenry

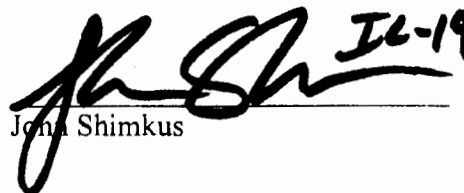

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John P. Murtha


Todd Tiahrt

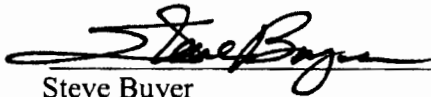

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Erik Paulsen

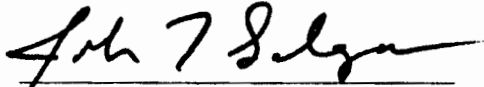

John Shimkus



Bob Goodlatte



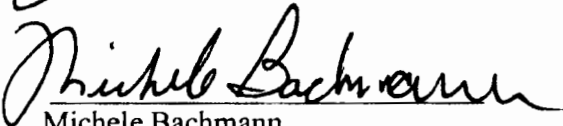
Steve Buyer



John T. Salazar



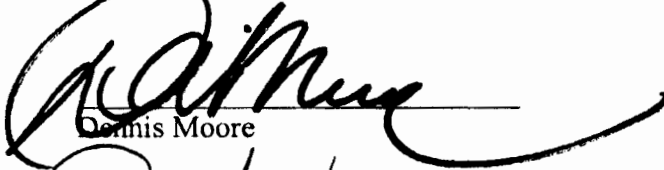
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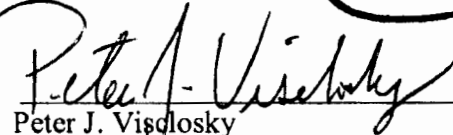
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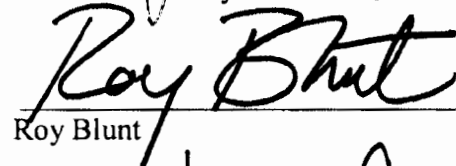
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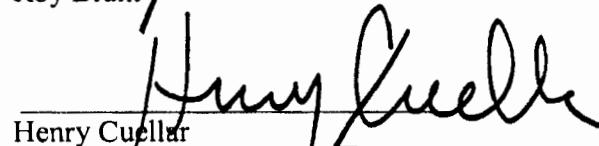
Dennis Moore



Peter J. Visclosky



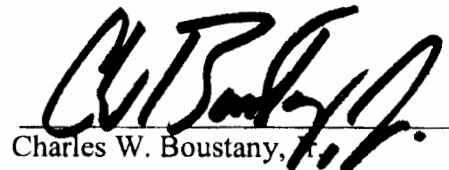
Roy Blunt



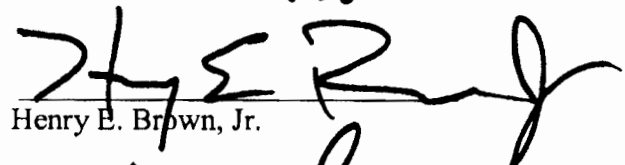
Henry Cuellar



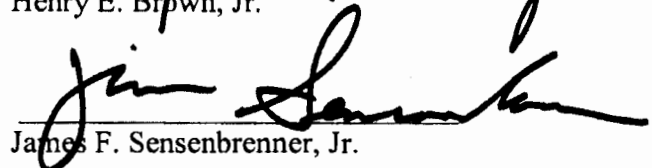
Roscoe G. Bartlett



Charles W. Boustany, Jr.



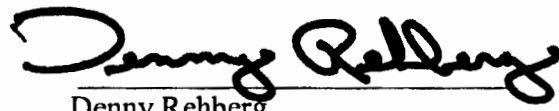
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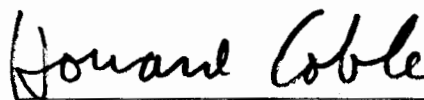
James F. Sensenbrenner, Jr.



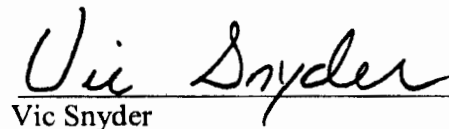
J. Gresham Barrett



Denny Rehberg



Howard Coble



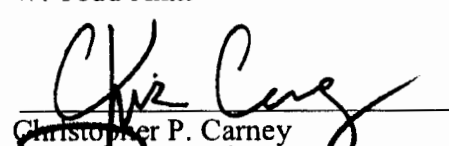
Vic Snyder



Charlie Melancon



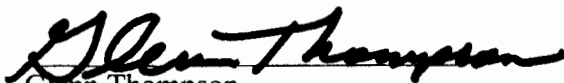
W. Todd Akin

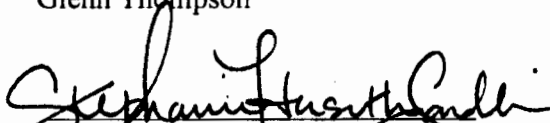


Christopher P. Carney




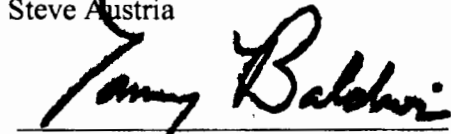
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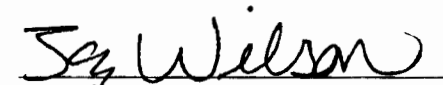

Glenn Thompson

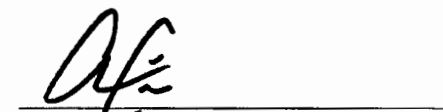

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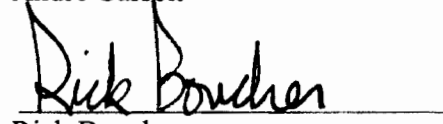

Parker Griffith

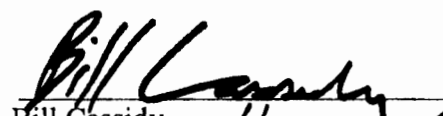

Steve Austria

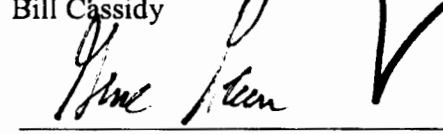

Tammy Balowin


Joe Wilson


André Carson


Rick Boucher


Bill Cassidy


Gene Green



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 30 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

Thank you for your letter of June 18, 2009 expressing your interest in the U.S. Environmental Protection Agency's (EPA) pending rulemaking governing the management of coal combustion residuals (CCR). In your letter, which was also signed by 73 of your colleagues, you requested assurance that EPA will work closely with the states in developing a performance-based federal program for CCR under the Resource Conservation and Recovery Act's Subtitle D non-hazardous waste authority.

EPA intends to issue a proposal, addressing these and other questions, before the end of this calendar year. We will include your letter, as well as those EPA has received from the states, in the docket for the rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, which appears to read "Mathy Stanislaus", is written over a horizontal line.

Mathy Stanislaus
Assistant Administrator

Congress of the United States
Washington, DC 20515

10-001-9240

November 17, 2010

The Honorable Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Dear Administrator Jackson:

We write to you today to express our concern regarding the Environmental Protection Agency's (EPA) reconsideration of the 2008 National Ambient Air Quality Standards (NAAQS) for ground-level ozone. This action departs from the normal five-year NAAQS review schedule established by the Clean Air Act. We strongly support protecting the environment and ensuring the health of our constituents, but we have serious concerns that EPA's departure from regular order in relation to an Ozone NAAQS review will have a significant negative impact on the economies of our states without enhancing air quality. We are concerned proposals to lower the recently revised NAAQS will hurt working families and greatly increase operating costs for manufacturers during this time of serious economic difficulty.

As you know, the Clean Air Act requires that EPA conduct a detailed review of each NAAQS every five years. This review, with extensive process, public input and comment, was last completed for the ozone standard in 2008. Some groups argued for a significant tightening of the standard and others, including respected members of the scientific community, believed that the existing ozone standard was adequately protective. In the end, EPA strengthened its existing 0.084 ppm standard to a much more stringent 0.075 ppm, declared that level adequately protective of human health and the environment, and commenced preparations for the next five year review.

When EPA changed the ozone standard in 2008, many of our states were still coming into attainment of the old .084 ppm standard, and suffered significant economic and growth restrictions under the required state implementation plan (SIP). States must again revise their SIPs to meet EPA's more stringent 0.075 ppm standard, with even more adverse economic impacts.

This year, despite being midway through the ongoing five year NAAQS review process, EPA has proposed to bypass the transparency and technical input afforded by that statutory process and apply a more aggressive and costly ozone mandate. Moreover, it does not appear that EPA is relying on any new scientific evidence in its decision, but is simply using the same data from 2008 to now reach a different conclusion.

Areas that will not be able to meet EPA's proposed new NAAQS will face increased costs to businesses, restrictions on development and expansion, and limits on transportation funding. EPA's new proposed standard could nearly triple the number of nonattainment areas and, under the high end of EPA's own estimate, add \$90 billion dollars per year to already high operating costs faced by manufacturers, agriculture, and other sectors.

In addition, recent studies indicate that each affected state could lose tens of thousands of jobs, if not more. If our local businesses can't compete, our constituents will lose their jobs, their health care and other employee benefits for their families. Our communities will also lose local tax revenue critical to funding public education and municipal infrastructure.

We believe that we can and should continue to improve our environment, but we are concerned that EPA's action has real, detrimental impacts on the people they are trying to protect. Given the heavy job loss potential this policy could result in and the absence of any new scientific data, we strongly believe changing the current NAAQS standard outside of the ongoing five year review process is unnecessary.

Sincerely,

Mike Rann

Steve ...

Chris A Wk

Sue Myrick

Carol Brown

Joseph R. Pitts

Marcia Blackmer

Rick Borden

Gene ...

Jim Matheson

[Signature]

[Signature]

J. L. ...

W. Cade ...

Lynn Jenkins

Bob Virlovy

Jerry Moran

Ray Blunt

Raf Kiri

Geoff

Paul A. Jolly

John Shady

Brett Gathorn

Steve King

Shirley

G.T. Thompson

Con

Wally Harger

John Bauer

for 7 Selzer

Peter Proskam

Michael Bachmann

Robert E. Jare

John Callahan

John Boozma

John

Sam Johnson

John Kline

Ch. Penty, Jr.

Blair

Geoff Jarvis

John King

John Chatter

Harold Rogers

Pete Sess

Steve Sealie

Joe Dault

Steve Buzar

~~Sam H. H.~~

Jeff Fanning

Bill Casady

List of Signatures

1. Mike Ross
2. Rick Boucher
3. Ike Skelton
4. Gene Green
5. Charlie Wilson
6. Jim Matheson
7. Sue Myrick
8. Zack Space
9. Paul Broun
10. John Carter
11. Joseph Pitts
12. John Sullivan
13. Marsha Blackburn
14. Todd Akin
15. Lynn Jenkins
16. Steve King
17. Peter Viscolosky
18. Sheila Jackson-Lee
19. Jerry Moran
20. Glenn Thompson
21. Roy Blunt
22. Dan Boren
23. Patrick Tiberi
24. Wally Herger
25. Rob Bishop
26. John Barrow
27. Charles Gonzalez
28. John Salazar
29. John Shadegg
30. Peter Roskam
31. Brett Guthrie
32. Michele Bachmann
33. Robert Latta
34. John Culberson
35. John Boozman
36. Sam Graves
37. Sam Johnson
38. John Kline
39. Charles Boustany
40. Blaine Luetkemeyer

41. Geoff Davis
42. John Flemming
43. Jason Chaffetz
44. Harold Rogers
45. Pete Sessions
46. Steve Scalise
47. Joe Donnelly
48. Steve Buyer
49. Darrell Issa
50. Cliff Stearns
51. Bill Cassidy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 21 2010

OFFICE OF
AIR AND RADIATION

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Bachmann:

Thank you for the letter that you sent to Administrator Lisa Jackson on November 17, 2010, about the U.S. Environmental Protection Agency's (EPA's) reconsideration of the 2008 National Ambient Air Quality Standard (NAAQS) for ground-level ozone. The Administrator has asked me to respond on her behalf.

In your letter, you expressed concern over the Agency's decision to reconsider the 2008 standard, the Agency's reliance on the 2008 scientific record as the basis for the reconsideration, and the potential economic consequences of adopting a more stringent standard. I would like to respond to each of those concerns.

Administrator Jackson decided to reconsider the 2008 standard of 0.075 ppm, because it was significantly less protective of public health than even the least protective end of the 0.060-0.070 ppm band that the Congressionally-established Clean Air Science Advisory Committee (CASAC) had recommended. The difference in public health impact – up to 12,000 premature deaths, 58,000 cases of aggravated asthma, and up to \$100 billion dollars in health costs – is by no means trivial.

The reconsideration rests on the more than 1,700 scientific studies in the record as of 2008. EPA's Office of Research and Development has conducted a provisional assessment of relevant studies completed since 2008, and has found that they do not materially change the conclusions of the 2008 assessment.

Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects evidence. EPA is prohibited from considering costs or ease of implementation in setting or revising the NAAQS. However, we can and do consider costs during the implementation process, and we will work with states and local areas to help identify cost-effective implementation solutions to meet any revised standards.

As part of EPA's extensive review of the science, Administrator Jackson will ask CASAC for further interpretation of the epidemiological and clinical studies they used to make their recommendation. Also, to ensure EPA's decision is grounded in the best science, EPA will review the input from CASAC before the new standard is selected. Given this ongoing scientific

review, EPA intends to set a final standard in the range recommended by the CASAC by the end of July, 2011. Furthermore, EPA is moving forward with a number of other national rules that will significantly reduce pollution and improve public health for all Americans - rules designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy
Assistant Administrator

MICHELE BACHMANN
6TH DISTRICT, MINNESOTA

COMMITTEES:
FINANCIAL SERVICES

HOUSE REPUBLICAN
POLICY COMMITTEE

ASSISTANT REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-3605

WASHINGTON OFFICE:
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8043 HUDSON ROAD, SUITE 320
WOODBURY, MN 55125
(651) 731-5400
FAX: (651) 731-6650
www.bachmann.house.gov

March 29, 2007

Stephanie Daigle
Associate Administrator of Congressional
And Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Av NW Room 3426 ARN
Washington, DC 20460

CCY
John
Filius
Catherine
Chris
Kevin

Dear Ms. Daigle,

My constituent, Mr. *St. L* stucco contractor, was looking for a way to deal with the mold problem occurring in new stucco houses in Minnesota. What he found was an already existing product that has, according to preliminary testing, the potential to do much more than kill mold spores.

Enclosed please find two reports prepared by Dr. Douglas A. Rice, the Laboratory Director of Environmental Health Services at Colorado State University. These reports contain the findings of his experimentation with calcium polysulfide on a variety of biowarfare pathogens. His conclusion was, "Calcium polysulfide should be considered a viable disinfectant against pathogenic bacteria since it is readily available and relatively inexpensive."

In the late, spring of 2006, Dr Nancy Adams, Director of Decontamination at the National Homeland Security Center was sent the initial test results (dated April 15, 2006) performed on an analog of Bacillus Anthracis. She forwarded the results to Eric Coghlan of the EPA, who initially said the EPA testing could take place in four to six weeks. In late August Eric Conglan advised that if calcium polysulfide could qualify as a multiple use agent, funds for testing could be available. Further testing by Dr. Rice at CSU resulted in the second report dated September 5, 2006.

Lastly, I refer you to the enclosed letter dated January 18, 2007 from Jim Papp. (Mr. Papp along with Dr. Douglas Rice and Mr. *St. L* have applied for a patent on the use of calcium polysulfide for decontamination of biological agents.) These gentlemen

realize that only the EPA can test and approve a substance to use as a decontamination agent. They also recognize the potential that this substance has in the war on terror.

Two months ago, Congress passed a bill to improve US preparedness by accelerating development of new vaccines and drugs against anthrax and small pox. The bill would provide \$1 billion over three years to develop this counter measure; this is in addition to the \$5.6 billion allotted in 2004 for Project BioShield. It is my humble opinion based on the test findings of Dr. Rice at CSU that calcium polysulfide should be tested by the EPA and at the earliest possible date. Calcium polysulfide's potential is so significant that it may be the aspirin of the 21st century for bio-terrorism.

I respectfully request that the enclosed information would be forwarded to the correct department and that the testing of calcium polysulfide be done, as initially agreed. I appreciate your attention and look forward to your response.

Sincerely,

A handwritten signature in black ink, reading "Michele Bachmann". The signature is fluid and cursive, with the first name "Michele" written in a larger, more prominent script than the last name "Bachmann".

Michele Bachmann
Member of Congress

MB/bah

Congresswoman Michele Bachmann
Minnesota 6th District Office
6043 Hudson Road, Suite 330
Woodbury, MN 55125

DATE: 3/29/07

TOTAL PAGES: 16
(Including cover)

TO: Stephanie Daigle

FAX: 1-202-501-1519

INFORMATION REQUESTED BY: Barbara Harper, Constituent Services
PHONE NUMBERS: 651-731-5400 Fax: 651-731-6650
E-MAIL ADDRESS: Barbara.harper@mail.house.gov

DISTRICT OFFICE OF
MICHELE BACHMANN
MEMBER OF CONGRESS
MINNESOTA 6th DISTRICT

Unfamiliar with the prodigal in place at EPA, I sent the attached information with a similar cover letter to Tom Dunne, EPA Office of Homeland Security and Vanessa Vu, EPA Science Advisory Board on February 16, 2007. I am faxing this to you in an attempt to make up for lost time and will send the original by USPS.

Thank you

a

Effective Destruction of
Bacillus atrophaeus
a *Bacillus anthracis* Analog
Using Calcium Polysulfide

Colorado
State
University

April 15, 2006

Douglas A. Rice, Ph.D.
Environmental Quality Laboratory
Environmental Health Services

Background

Calcium polysulfide (29%) has been used as a sheep dip to prevent "wool sorter's disease." Wool sorter's disease is a pulmonary form of anthrax that results from the inhalation of spores of the bacterium *Bacillus anthracis* in the wool of contaminated sheep. To date, no articles have been found that indicate the effective kill rate of Calcium polysulfide on the spores of *Bacillus anthracis*.

This study was designed to test the ability of calcium polysulfide to kill *Bacillus atrophaeus*. *B. atrophaeus* (ATCC #9372) is a non-pathogenic analog of *Bacillus anthracis* used to test the efficacy of sterilants in killing anthrax spores. Calcium polysulfide at a concentration of 29% is produced commercially by VGS and marketed as "Aqua-Clear." Various dilutions of calcium polysulfide were mixed with known populations of vegetative cells and spores of *B. atrophaeus*. A 7.25% concentration (75% dilution of the 29% original formula) of calcium polysulfide killed 99.999996% of the vegetative *B. atrophaeus* within one minute (7.4 log₁₀ reduction). A 2.9% concentration (90% dilution of the 29% original) of calcium polysulfide killed 99.998% of *B. atrophaeus* spores within 30 minutes (4.7 log₁₀ reduction).

Calcium polysulfide is extremely effective in killing *Bacillus atrophaeus* and should be equally effective in killing spores or vegetative cells of *Bacillus anthracis*. Calcium polysulfide should be considered a viable disinfectant against agents of biowarfare since it is readily available and relatively inexpensive.

Methods

This study was a classical challenge study. A known concentration of vegetative cells and spores of *Bacillus atrophaeus* were mixed with dilutions of calcium polysulfide. Aliquots of the mixture were removed at specific time intervals and plated.

Vegetative cell suspension preparation:

1. Rehydrate a new vial of *Bacillus atrophaeus*. Streak the culture for isolation onto fresh 100mm x 15mm plate of Nutrient Agar (NA).
2. Invert the plate and incubate for 2 days at 35°C.
3. Remove the plate from the incubator and check for isolated growth.
4. Pick a single isolated colony and transfer to 100 mL of nutrient broth.
5. Incubate the broth for 2 days at 35°C.
6. Serially dilute (0.1 mL into 9.9 mL) the broth and perform a plate count.
7. Incubate the plates for 24 hours at 35°C.
8. Count the plates and determine the concentration of vegetative *Bacillus atrophaeus* cells.

Spore preparation:

1. Rehydrate a new vial of *Bacillus atrophaeus*. Streak the culture for isolation onto fresh 100mm x 15mm plate of Nutrient Agar (NA).
2. Invert the plate and incubate for 2 days at 35°C.
3. Remove the plate from the incubator and check for isolated growth.
4. Pick a single isolated colony and transfer to 2000 mL of nutrient broth.
5. Incubate the broth for 2 days at 35°C.
6. Transfer the broth to sterile centrifuge tubes.
7. Centrifuge at 7,500 rpm for 15 minutes.
8. Discard the supernatant and resuspend the cells in ~100 mL of sterile tap water. Repeat the centrifugation and resuspend the cells in ~10 mL of sterile tap water.
9. Dehydrate the cell suspension in a biological safety cabinet. This step should kill all of the vegetative cells.
10. Aseptically scrape up the residual spores of *B. atrophaeus*. Confirm the presence of spores microscopically.
11. Serially dilute (0.1 mL into 9.9 mL) the spore powder and perform a plate count.
12. Incubate the plates for 24 hours at 35°C.
13. Count the plates and determine the concentration of *Bacillus atrophaeus* spores.

Inoculation

1. For test #1, mix 10 mL of undiluted (29%) calcium polysulfide solution with 10 mL of the 48 hour broth culture of *B. atrophaeus*. For test #2, mix 5 mL of undiluted (29%) calcium polysulfide solution with 15 mL of the 48 hour broth culture of *B. atrophaeus*. For test #3, mix 2 mL of undiluted (29%) calcium polysulfide solution with 18 mL of the 48 hour broth culture of *B. atrophaeus*. The resulting concentration of calcium polysulfide will be 14.5%, 7.25% and 2.9%.
2. Immediately remove 1.0 mL of each *B. atrophaeus* / calcium polysulfide test mixture, serially dilute and perform a plate count in DE Neutralizing agar.
3. Remove 1.0 mL of each *B. atrophaeus* / calcium polysulfide test mixture at 10 minutes, 30 minutes, 60 minutes, 120 minutes, and 180 minutes, serially dilute and perform a plate count in DE Neutralizing agar.
4. Incubate the plates as described above.
5. For the spore studies, inoculate three separate 1.0 mL aliquots of undiluted (29%) calcium polysulfide with 0.01 grams of the dehydrated spores of *B. atrophaeus*. Inoculate three separate aliquots of 14.5% and 2.9% calcium polysulfide in the same manner.
6. Incubate the aliquots at room temperature for 30, 60, and 120 minutes. After the test time, plate the mixture in DE Neutralizing agar.
7. Incubate the plates as described above and perform a plate count on the test samples.

12

Results

Table #1: Destruction of vegetative *Bacillus atrophaeus* by calcium polysulfide

Initial contact	Initial/mL	Final/mL	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	2040	99.924444	3.1
10 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	2820	99.995556	3.0
30 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	560	99.979259	3.7
60 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	180	99.984074	4.2
120 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	20	99.999259	5.1
180 minutes	Initial	Final	Percent reduction	Log reduction
14.5% polysulfide	1500000	<1	99.999993	7.2
7.25% polysulfide	2250000	<1	99.999996	7.4
2.9% polysulfide	2700000	50	99.998148	4.7

Table #2: Destruction of *Bacillus atrophaeus* spores by calcium polysulfide

30 minutes	Inoculum (g)	Initial	Final	% reduction	Log reduction
29% polysulfide	0.011	3300	<1	99.998970	4.5
14.5% polysulfide	0.013	3900	<1	99.997436	4.6
2.9% polysulfide	0.016	4800	<1	99.997917	4.7
60 minutes	Inoculum (g)	Initial	Final	% reduction	Log reduction
29% polysulfide	0.01	3000	<1	99.996667	4.5
14.5% polysulfide	0.015	4500	<1	99.997778	4.7
2.9% polysulfide	0.018	5400	<1	99.998148	4.7
120 minutes	Inoculum (g)	Initial	Final	% reduction	Log reduction
29% polysulfide	0.015	4500	<1	99.997778	4.7
14.5% polysulfide	0.011	3300	<1	99.998970	4.5
2.9% polysulfide	0.018	5400	<1	99.998148	4.7

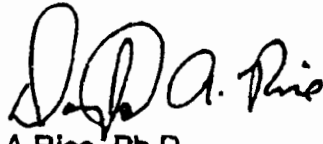
Initial concentration of spores was 300,000 per gram (~0.01 g inoculum)

13

Conclusions

Calcium polysulfide was proven to be extremely effective at killing both spores and vegetative cells of *Bacillus atrophaeus*. Within one minute, a 7.25% concentration of calcium polysulfide killed 99.999996% of *B. atrophaeus* vegetative cells in broth culture. Within 30 minutes, a 2.9% concentration of calcium polysulfide killed 99.997% of dried *B. atrophaeus* spores.

Calcium polysulfide is extremely effective in killing *Bacillus atrophaeus* and should be equally effective in killing spores or vegetative cells of *Bacillus anthracis*. Calcium polysulfide should be considered a viable disinfectant against agents of biowarfare since it is readily available and relatively inexpensive. Further studies should be considered to directly test the efficacy of calcium polysulfide against spores of *Bacillus anthracis*.



Douglas A Rice, Ph.D.
Laboratory Director
CSU - EHS

**Destruction of
Salmonella choleraesuis,
Escherichia coli, and
Staphylococcus aureus
Using Calcium Polysulfide**

**Colorado
State
University**

September 5, 2006

**Douglas A. Rice, Ph.D.
Environmental Quality Laboratory
Environmental Health Services**

Background

Historically, calcium polysulfide (29%) has been used as a sheep dip to prevent "wool sorter's disease." Wool sorter's disease is a pulmonary form of anthrax that results from the inhalation of spores of the bacterium *Bacillus anthracis* from contaminated sheep. Previous studies in this laboratory demonstrated the ability of calcium polysulfide to kill 99.999996% of vegetative cells of *Bacillus atrophaeus*, an analog of *Bacillus anthracis*.

This new study was designed to test the ability of calcium polysulfide to kill other human and animal pathogens in solution and on surfaces. Calcium polysulfide at a concentration of 29% is produced commercially by Value Garden Supply and marketed as "Aqua-Clear." In the first part of the study, Aqua-Clear was mixed with liquid suspensions of *Salmonella choleraesuis*, *Escherichia coli*, and *Staphylococcus aureus*. After 30 minutes contact, a 14.5% concentration of calcium polysulfide (50% dilution of the 29% original formula) killed 99.978% of the *S. choleraesuis*, 99.999996% of the *E. coli*, and >99.999999% of the *Staph. aureus*.

In the second part of the study, the test organisms were inoculated onto a plastic surface. The organisms were dried and undiluted Aqua-Clear was added to the contaminated area. After 10 minutes contact, the Aqua-Clear killed 99.99998% of the *S. choleraesuis*, 99.99977% of the *E. coli*, and 99.99917% of the *Staph. aureus*.

Calcium polysulfide was proven to be an effective killing agent of human pathogens. Calcium polysulfide (Aqua-Clear) should be considered a viable disinfectant against agents of biowarfare and other human pathogens since it is readily available and relatively inexpensive.

Methods

This study was a classical challenge study. Known concentrations of *Salmonella choleraesuis* (ATCC #14028), *Escherichia coli* (ATCC #25922), and *Staphylococcus aureus* (ATCC #25923) were mixed with calcium polysulfide. Aliquots of the mixture were removed at specific time intervals and plated.

Cell suspension preparation:

1. Streak the test organisms onto fresh 100mm x 15mm plates of Nutrient Agar (NA) as a control check for isolation. Completely cover another NA plate with the test organisms to create a bacterial lawn.
2. Invert the plates and incubate for 2 days at 35°C.
3. Remove the plates from the incubator and check for isolated growth of each test organism.
4. If only one colony type is observed on the control plate, suspend the confluent growth of the lawn plate in 10mL of sterile buffer.
5. Serially dilute (0.1 mL into 9.9 mL) the buffers and perform a plate count.
6. Incubate the plates for 24 hours at 35°C.
7. Count the plates to determine the initial concentrations of test organisms.

Surface preparation:

1. Inoculate three separate sterile Petri dishes with 1.0 mL of each test organism suspension.
2. Allow the organism suspension to dry at room temperature.
3. Check the concentrations of the dried test organisms by rehydrating the spot of a single Petri dish with 1.0 mL of sterile buffer.
4. Serially dilute the rehydrated suspension and perform a plate count for each test organism.
5. Incubate the plates for 24 hours at 35°C.
6. Count the plates and determine the concentration of *Bacillus atrophaeus* spores.

Inoculation

1. For the first test, mix 5.0 mL of undiluted (29%) calcium polysulfide solution with 5.0 mL of the test organism suspension. The resulting concentration of calcium polysulfide will be 14.5%, and the population of the test organism will be 50% of the original count.
2. After one minute, remove 1.0 mL of each test organism / calcium polysulfide mixture, serially dilute and perform a plate count in DE Neutralizing agar.
3. Remove 1.0 mL of each test organism / calcium polysulfide mixture at 10 minutes, and 30 minutes. Serially dilute and perform a plate count in DE Neutralizing agar.
4. Incubate the plates as described above.
5. For the surface studies, place a 1.0 aliquot of undiluted (29%) calcium polysulfide on each dried spot of test organisms.
6. Allow the dried test organism / calcium polysulfide mixture to react for one minute and 10 minutes. After the test time, plate the mixture in DE Neutralizing agar.
7. Incubate the plates as described above and perform a plate count on the test samples.

Results

Table #1: Initial test organism concentrations

Organism	Initial/mL	50% Inocula	Log ₁₀ inocula	Dried susp.	Log ₁₀ dried
<i>S. choleraesuis</i>	825000000	412500000	8.62	6300000	6.80
<i>E. coli</i>	490000000	248000000	8.39	440000	5.64
<i>Staph. aureus</i>	5400000000	2700000000	9.43	459000000	8.66

Table #2: Destruction of test organism suspensions by calcium polysulfide

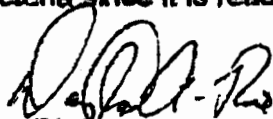
1 minute contact	Initial/mL	Final/mL	Percent reduction	Log reduction
<i>S. choleraesuis</i>	412500000	98900000	76.02	0.6
<i>E. coli</i>	248000000	3500000	98.59	1.9
<i>Staph. aureus</i>	2700000000	32300	99.9988	4.9
10 minute contact	Initial	Final	Percent reduction	Log reduction
<i>S. choleraesuis</i>	412500000	95000	99.977	3.6
<i>E. coli</i>	248000000	600	99.9998	5.6
<i>Staph. aureus</i>	2700000000	22400	99.9992	5.1
30 minute contact	Initial	Final	Percent reduction	Log reduction
<i>S. choleraesuis</i>	412500000	89500	99.978	3.7
<i>E. coli</i>	248000000	10	99.999998	7.4
<i>Staph. aureus</i>	2700000000	10	>99.999999	8.4

Table #3: Destruction of dried test organism suspensions by calcium polysulfide

1 minute contact	Initial/mL	Final/mL	Percent reduction	Log reduction
<i>S. choleraesuis</i>	6300000	10	99.9998	5.8
<i>E. coli</i>	440000	10	99.998	4.6
<i>Staph. aureus</i>	459000000	17600	99.996	4.4
10 minute contact	Initial/mL	Final/mL	Percent reduction	Log reduction
<i>S. choleraesuis</i>	6300000	1	99.99998	6.8
<i>E. coli</i>	440000	1	99.9998	5.6
<i>Staph. aureus</i>	459000000	3800	99.9992	5.1

Conclusions

Calcium polysulfide was proven to be effective at killing both liquid and dried suspensions of *Salmonella choleraesuis*, *Escherichia coli*, and *Staphylococcus aureus*. Calcium polysulfide should be considered a viable disinfectant against pathogenic bacteria since it is readily available and relatively inexpensive.



Douglas A. Rice, Ph.D.
Laboratory Director
CSU - EHS

COLORADO GENERAL CONTRACTORS

410 South Lincoln Avenue
Post Office Box 771622
Steamboat Springs, Colorado 80477
(970) 879-5642

April 26, 2006

Dr. Nancy Adams
Director of Decontamination
Consequence Management Division
National Homeland Security Center
Mail Drop E 343-06 U.S.E.P.A.
R.T.P. North Carolina 27711

Dear Dr. Adams:

Dr. Ottlinger suggested that I send you our information about lime sulfur as a decontamination agent. We first started testing lime sulfur about three years ago to prevent germination and kill mold in homes and buildings. Experimentation with lime sulfur in both a liquid and powder form convinced us that it is a safe, cost effective fungicide.

We wondered, if lime sulfur would also be effective as a decontamination agent. The Colorado State University study by Dr. Rice was very encouraging. This study shows lime sulfur to be a viable disinfectant against an analog of Bacillus Anthracis. The contact kill time reinforces our theory that it may be possible to decontaminate H.V.A.C. Systems using lime sulfur filters.

We hope you can be of assistance in our desire to directly test calcium polysulfide on Bacillus Anthracis.

If you have any questions please contact me at 970-879-5642. If you would like to speak to Dr. Rice his cell phone number is: 1-970-566-4109.

Sincerely,



Jim Papp

JP:bjb

COLORADO GENERAL CONTRACTORS
410 South Lincoln Avenue
Post Office Box 771622
Steamboat Springs, Colorado 80477
(970) 879-5642

January 18, 2007

Dear

This is a brief summary of our idea to use Calcium Polysulfide as a decontamination agent. The use of Calcium Polysulfide as a decontamination agent was discussed with Dr. Douglas Rice of Colorado State University in November of 2005. We filed a Patent Application on this idea on April 27, 2006. Prior to filing the application we tested the theory by killing *Bacillus Atrophae*, an analog of *Bacillus Anthracis* using Calcium Polysulfide this testing indicated that Calcium Polysulfide should be considered as a viable disinfectant against agents of biowarfare.

We felt that this information should be made public so I contacted Dr. Michael Ottlinger of the National Decontamination Team prior to the Patent filing. Dr. Ottlinger suggested that the information go to Dr. Nancy Adams. The testing and a cover letter was sent to Dr. Adams April 26, 2006. This was forwarded by Dr. Adams to Eric Coghlan of the E.P.A. In a phone conversation with Eric on May 31, 2006 he indicated that a test of Calcium Polysulfide on *Bacillus Anthracis* could take place in four to six weeks. I was informed in a phone conversation in August of 2006 that funds for testing this idea was not available. In late August 2006 Eric Coghlan indicated that we may be able to test Calcium Polysulfide if it could qualify as a multiple use agent. On September 5, 2006 we had test results showing the effective destruction of *Salmonella Choleraesuis*, *Escherichia Coli*, and *Staphylococcus Aureus*, using Calcium Polysulfide.

To better understand the problems and challenges of decontamination we contacted the following people and agencies:

1. Dr. Fred Milanovich Project Bioshield
2. C.D.C.
3. U.S.D.A.
4. Ft. Leonardwood
5. D.A.R.P.A. Defense Analysis Research Preparedness Agency
6. Defense Threat Reduction Agency
7. Army Medical Research Command
8. Edgewood Arsenal

Guy Wojtowicz
Page 2
January 18, 2007

9. RT Dietrich
10. University of Pittsburg Medical Center for Bioterrorism
11. Joint Program Executive Office for Chemical Biological Defense
12. Assistant Secretary of Defense for Health Affairs
13. Iowa State University Veterinary School
14. Antimicrobial Acquisition and Coordinating Facility
15. National Institute of Health
16. Homeland Security Advisory Board

These people and agencies were offered all of our testing information and ideas. In return we were given information on the problems facing specialized decontamination teams as well as first responders.

It is my understanding that only the E.P.A. can approve a substance to be used as a decontamination agent and only the E.P.A. can do the testing. We are still in the situation of having a promising, safe, decontamination agent that can't be tested because the agency responsible for testing has no funding. I have enclosed an article on the Bioterrorism Bill which passed on December 9, 2006 authorizing over a billion dollars to develop vaccines and drugs by nothing for testing.

If our theory is right and Calcium Polysulfide is an effective killer of pathogens we could have a weapon in the hands of first responders in less than six months. This weapon along with Calcium Polysulfide vacuums, filters and sprayers give solutions to the problem of airborne spores, H.V.A.C. systems spore removal and how to decontaminate the decontamination people. These things can only be made available if the E.P.A. receives money for discretionary spending for testing.

Sincerely



Jim Papp

JP:bjb

[Back to Story - Help](#)**YAHOO! NEWS**

REUTERS Congress approves bioterrorism preparedness bill

By Will Dunham Sat Dec 9, 4:38 PM ET

The U.S. Congress on Saturday passed a bill to improve U.S. preparedness for bioterrorism or other health crises, in part by accelerating development of new vaccines and drugs.

The bill, sponsored by Massachusetts Democrat Sen. Edward Kennedy (news, bio, voting record) and North Carolina Republican Sen. Richard Burr, was one of a number of bills passed by Congress before adjourning Saturday morning and sent to President George W. Bush.

"With this bill, we take many important steps to increase our preparedness and response capabilities for public health emergencies by increasing our medical surge capacity, strengthening our public health infrastructure, and clarifying the responsibilities of federal officials," Kennedy said.

Many experts have warned that the United States is poorly prepared to respond to a terrorism attack involving germ warfare agents, like anthrax or small pox, or to potential pandemics like bird flu. The measure would provide \$1 billion over three years to develop vaccines and drugs to counter such threats.

It also would build on Project BioShield, a \$5.6 billion program created in 2004 that was spurred by the September 11, 2001, attacks and subsequent anthrax scares, and would aim to develop more and better drugs and vaccines in a national stockpile.

The Department of Health and Human Services would be designated as the lead federal agency to respond to public health emergencies under the legislation, which also would create a central authority within the department to handle the mission.

One intent of the measure is to unify the command and control for all of the public health and medical preparedness and response programs under an assistant HHS secretary, in an effort to avoid the chaotic response federal officials gave to Hurricane Katrina last year after it battered New Orleans.

The measure also would reauthorize a law that established grants to state and local public health authorities to improve their readiness.

The bill would establish within the Health and Human Services Department the Biomedical Advanced Research and Development Authority to oversee the initiative and establish a National Biodefense Science Board to advise the government on emerging threats as well as promising breakthroughs in life sciences.

Industry was disappointed with Project BioShield in part because because it did not help pay the cost of research and development of drugs and vaccines that have little commercial appeal.

With that in mind, this legislation would permit companies to get up to half the amount of their procurement contract in increments of 5 percent through the drug development process if they meet certain goals.

MICHELE BACHMANN
8TH DISTRICT, MINNESOTA

COMMITTEES:
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10-000-2411

Congress of the United States
House of Representatives
Washington, DC 20515-2306

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WAITE PARK, MN 56387
(320) 253-5931

www.bachmann.house.gov

February 2, 2010

The Honorable Lisa P. Jackson
Administrator
United States Environmental Protection Agency Headquarters
1200 Pennsylvania Avenue, Northwest
Washington, D.C. 20460-0003

Dear Administrator Jackson,

Please accept this letter in support of the grant application being submitted by Voigt's Bus Service, headquartered in St. Cloud, Minnesota, to the Environmental Protection Agency's (EPA) Clean Diesel Grant Program.

Specifically, Voigt's Bus Service is seeking grant funds of \$270,806 to assist in the replacement of two older motor coach vehicles with certified 2010 vehicle replacements. Matching funds of \$1,083,222 will be provided by Voigt's Bus Service. They would also replace two school buses with 2010 models which have engines that meet the EPA 2010 emissions criteria.

Voigt's Bus Service, with Community Transportation, Incorporated, is committed to bringing long-term benefits to the environment and the economy and they wish to accomplish this through the Clean Diesel Grant Program. As such, I respectfully request that this application receive all due consideration.

Again, please accept this letter of support. If I can be of any assistance, please contact Brian Looser in my office at 202-225-2331.

Sincerely,



Michele Bachmann
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 8 2010

OFFICE OF
AIR AND RADIATION

The Honorable Michele Bachmann
U. S. House of Representatives
Washington, D.C. 20515-2306

Dear Congresswoman Bachmann:

Thank you for your letter of February 2, 2010 to Administrator Lisa P. Jackson of the U.S. Environmental Protection Agency (EPA). Your letter is in support of an application for federal grant assistance for Voigt's Bus Service, a fleet partner in Community Transportation Inc.'s application for federal grant assistance for a diesel emissions reduction project.

The request for applications for our recent National Clean Diesel Funding Assistance Program competition closed on December 8, 2009. EPA received the Community Transportation, Inc. application before the deadline and it is therefore eligible to be considered for funding. EPA received 65 applications in response to the competition in EPA's Region 5, which includes Minnesota. These applications requested funding totaling approximately \$81 million. EPA is presently evaluating all grant applications and plans to announce the winners of the competition in the next few months.

EPA appreciates your interest in, and support of, the National Clean Diesel Campaign. The support and interest from members of Congress, as well as industry and corporate partners, educators, environmental groups, public health officials, and other community leaders who are committed to protecting our nation's health and modernizing America's in-use diesel fleet is important. This program allows us to work together to achieve the overall goal of reducing the public's exposure to air pollution from the existing fleet of diesel engines.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over a horizontal line.

Gina McCarthy
Assistant Administrator

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10-001-2986

TIM HOLDEN

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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

July 29, 2010

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Hazardous and Solid Waste Management System; Identification and Listing of
Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities;
Docket ID No. EPA-HQ-RCRA-2009-0640

Dear Administrator Jackson:

Thank you for the opportunity to comment on the above referenced proposed rule, published in the *Federal Register* on Monday, June 21, 2010. As you evaluate the development of federal regulations for coal combustion residuals produced by power plants that supply approximately half of the nation's electricity needs, also known as coal combustion byproducts (CCB), we urge you to craft an approach that protects public health and the environment without unnecessarily burdening the economy and jeopardizing important manufacturing and other related jobs.

We strongly recommend that EPA resist calls to regulate CCB as a listed waste under the hazardous waste authorities of subtitle C of the Resource Conservation and Recovery Act (RCRA). A hazardous waste approach represents the most extreme and burdensome regulatory option available to EPA under federal law, is wholly unnecessary, and inconsistent with past Agency decisions. Instead, we urge EPA to develop non-hazardous waste controls for CCB under subtitle D of RCRA for the disposal of CCB in surface impoundments and landfills, consistent with its 2000 Regulatory Determination.

Decades of work by EPA under both Democratic and Republican administrations implementing the Bevill Amendment to RCRA have consistently affirmed – in two Reports to Congress and two related Final Regulatory Determinations – that regulating CCB under RCRA subtitle C is *not* necessary to protect public health and the environment. In fact, EPA found that such regulation would be environmentally counter-productive because the stigma and related liability concerns of regulating CCB under RCRA's hazardous waste program would understandably have an adverse impact on the important objective of increasing CCB beneficial use.

EPA recently reaffirmed its conclusion that subtitle D controls are protective for the disposal of CCB as evidenced by its decision that management of the CCB from the

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☐ 758 CUMBERLAND STREET
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(717) 270-1395

☐ 101 NORTH CENTRE STREET, SUITE 303
POTTSVILLE, PA 17901
(570) 622-4212

☐ 4918 KUTZTOWN ROAD
TEMPLE, PA 19560
(610) 921-3502

Kingston TVA spill in a subtitle D landfill would be fully protective of human health and the environment. EPA readily acknowledges in the pending CCB proposal that subtitle D non-hazardous waste controls for CCB will provide an equivalent level of protection for CCB disposal units as would hazardous waste controls under RCRA subtitle C.

There also is little question that the subtitle C option would have an adverse impact on jobs creation at a time when the nation is still attempting to recover from one of the worst recessions in our history and millions of people remain out of work. We simply cannot condone a regulatory option that harms rather than helps in the creation of new jobs, but unfortunately that is precisely what the subtitle C option would do.

We have heard from many companies in the still emerging CCB beneficial use markets that are seeing jobs lost from the mere suggestion of regulating CCB under RCRA's hazardous waste program. State departments of transportation have cautioned that the subtitle C option would put further restrictions on the important use of CCB in highway and other infrastructure projects. This could have an adverse impact on employment as available alternatives to CCB use in highway projects are considerably more expensive and would reduce the number of projects that could be covered by federal and state funds.

State environmental protection agencies have uniformly warned EPA that regulating CCB under RCRA's hazardous waste regime would immediately more than double the volume of wastes subject to hazardous waste controls, overwhelming the state budgets and employee resources needed to administer these new regulations. These economic burdens on the states will cause even more financial stress on already stretched state budgets, further accelerating the cuts in state jobs.

We are also concerned that the increased compliance costs under the subtitle C option will translate into increased energy rates for millions of American consumers, which will unnecessarily inhibit consumer spending and further burden our collective goal of an economic recovery.

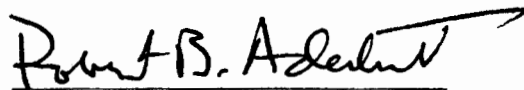
In short, there is simply no basis to pursue the subtitle C option for CCB with its attendant adverse impacts on jobs creation and economic recovery, when an equally protective and more cost-effective alternative is available for CCB under RCRA's subtitle D non-hazardous waste program. We therefore strongly encourage EPA to pursue the subtitle D option in the final CCB rule.

Thank you for your attention to this important matter.

Sincerely,



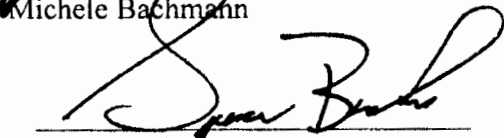
Tim Holden

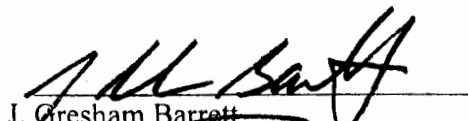


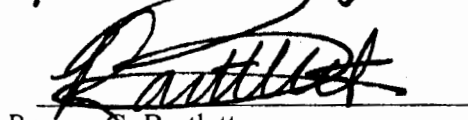
Robert B. Aderholt

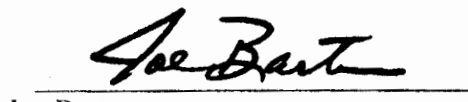

Steve Austria


Michele Bachmann

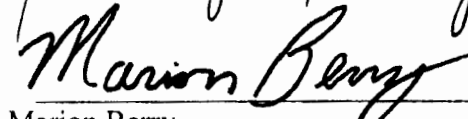

Spencer Bachus


J. Gresham Barrett

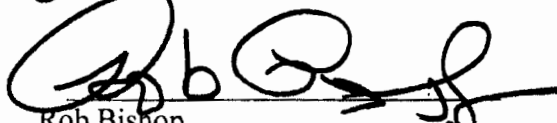

Roscoe G. Bartlett


Joe Barton

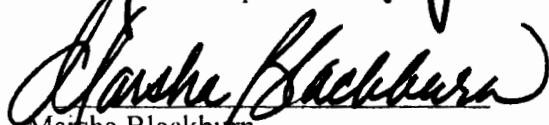

Shelley Berkley


Marion Berry

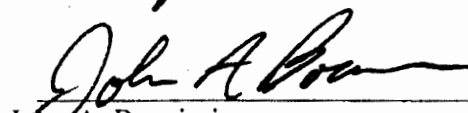

Judy Biggert

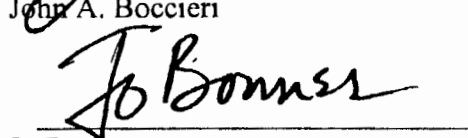

Rob Bishop

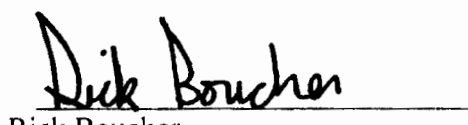

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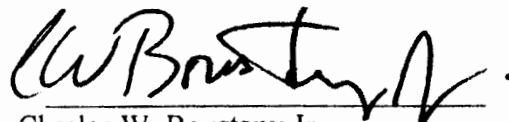

Marsha Blackburn



Roy Blunt



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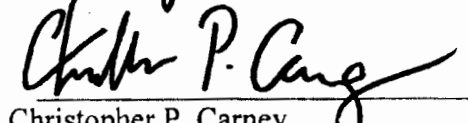

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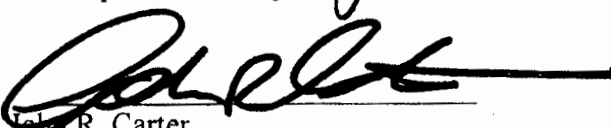

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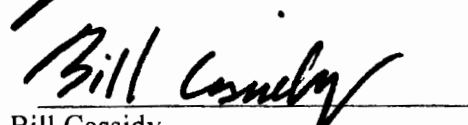

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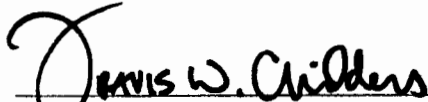

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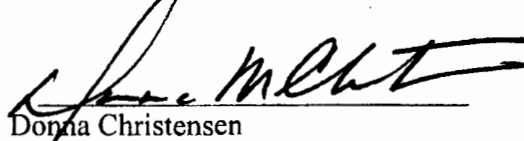

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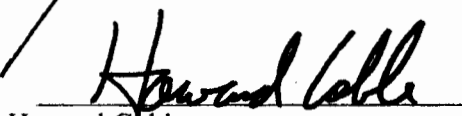
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Donna Christensen



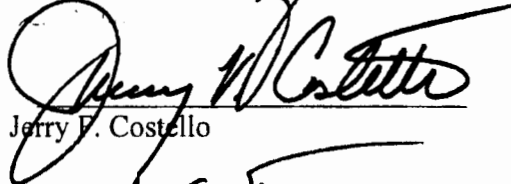
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Tom Cole



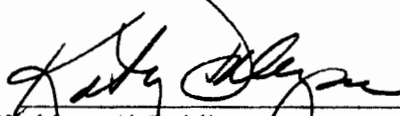
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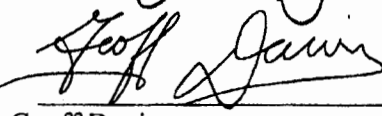
Jerry F. Costello




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Kathleen A. Dahlkemper



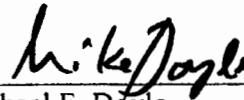
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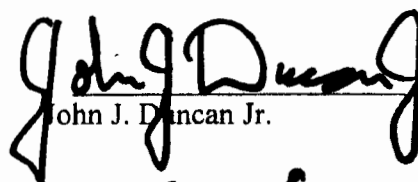
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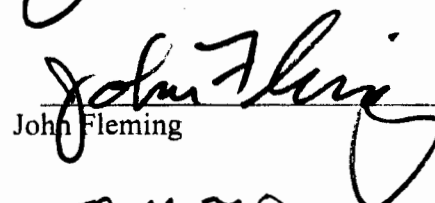
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John Fleming



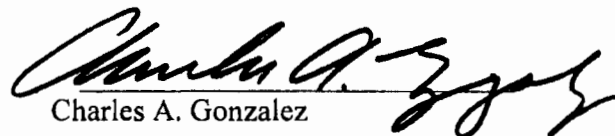
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Virginia Foxx



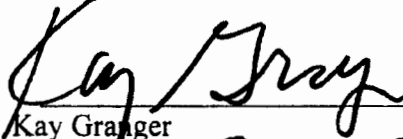
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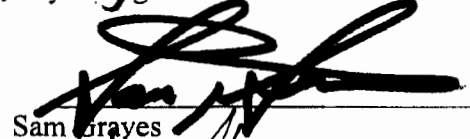
Charles A. Gonzalez




Bob Goodlatte



Kay Granger



Sam Graves



Gene Green

Brett Guthrie

Brett Guthrie

Ralph M. Hall

Ralph M. Hall

Deborah L. Halvorson

Deborah L. Halvorson

Gregg Harper

Gregg Harper

Stephanie Herseth Sandlin

Stephanie Herseth Sandlin

Baron P. Hill

Baron P. Hill

Bob Inglis

Bob Inglis

Lynn Jenkins

Lynn Jenkins

Walter B. Jones

Walter B. Jones

Jim Jordan

Jim Jordan

Steve Kagen

Steve Kagen

Ron Kind

Ron Kind

Steve King

Steve King

John Kline

John Kline

Doug Lamborn

Doug Lamborn

Tom Latham

Tom Latham

Steven C. LaTourette

Steven C. LaTourette

Robert E. Latta

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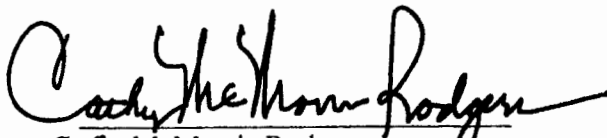
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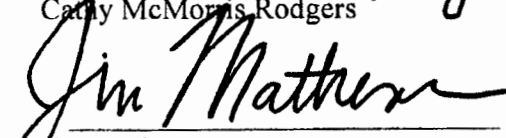
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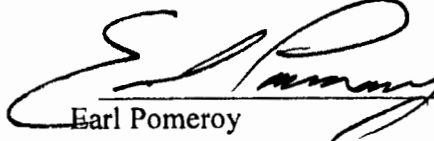
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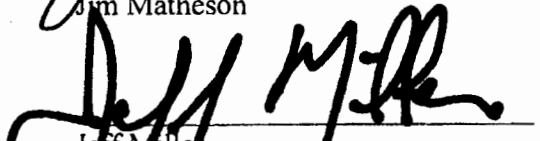
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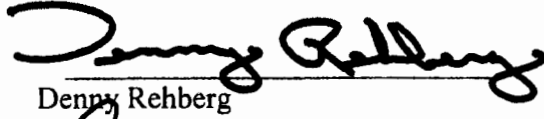

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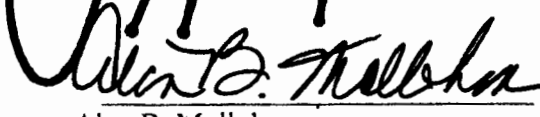

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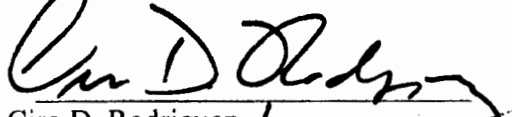

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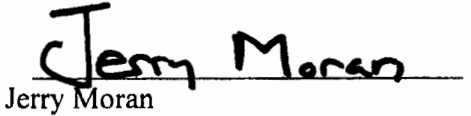

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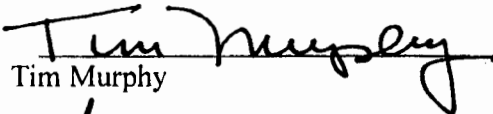

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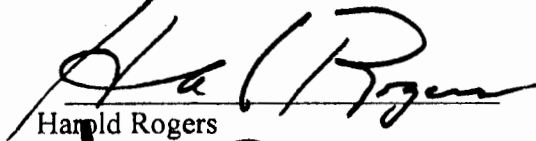

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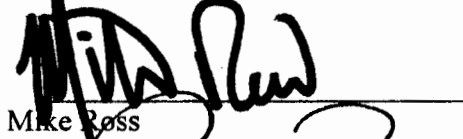

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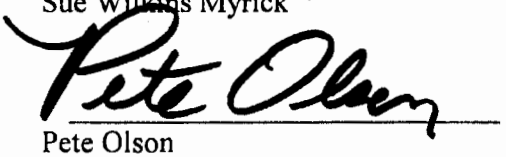

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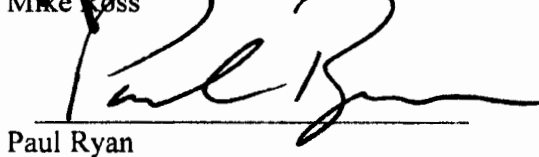

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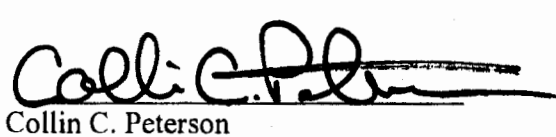

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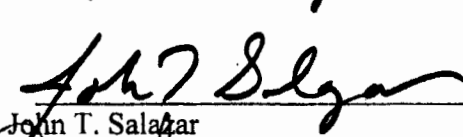

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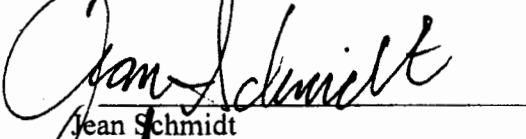

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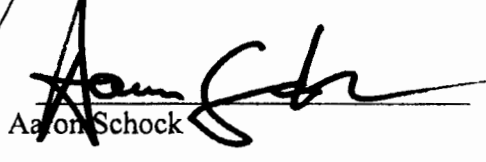

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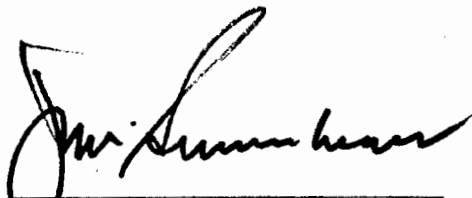

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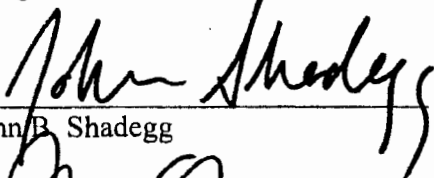

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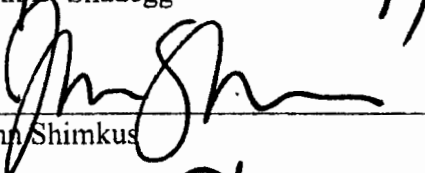

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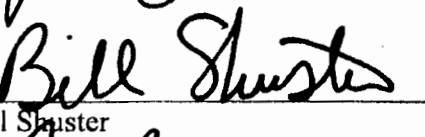

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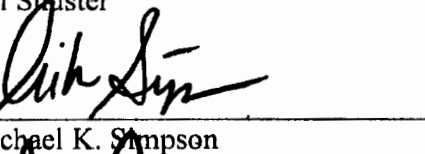

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F. James Sensenbrenner Jr.


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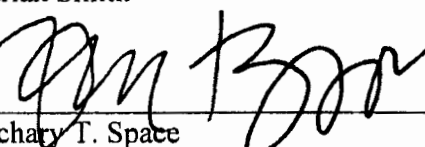

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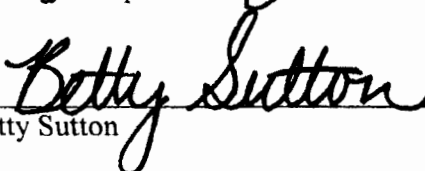

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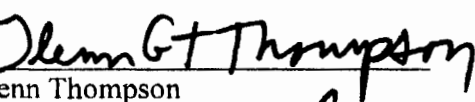

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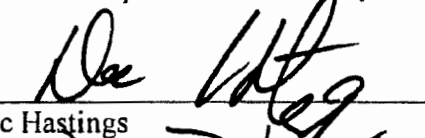

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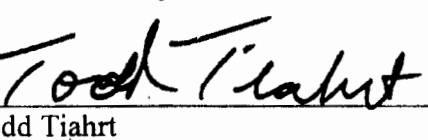

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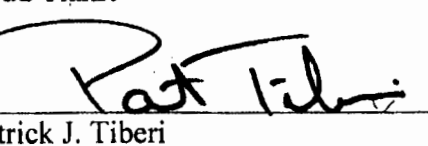

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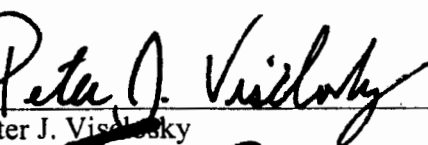

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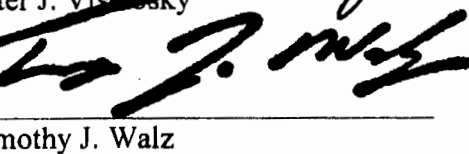

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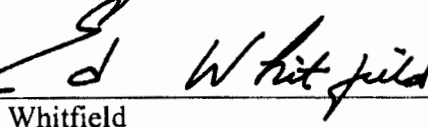

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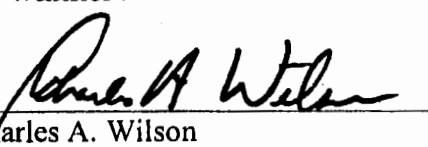

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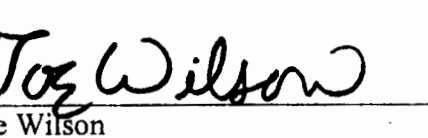

Peter J. Visclosky


Timothy J. Walz



Lynn A. Westmoreland



Ed Whitfield

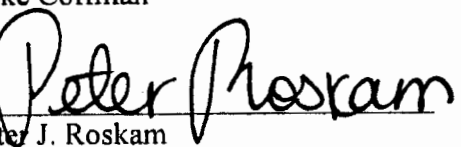

Charles A. Wilson


Joe Wilson


Robert J. Wittman


Don Young


Mike Coffman


Peter J. Roskam



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 1 2010

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Congresswoman Bachmann:

Thank you for your letter of July 29, 2010 to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, expressing your interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs) and the potential adverse impacts associated with a possible re-classification of CCRs as a hazardous waste. I appreciate your interest in these important issues.

In the proposed rule, EPA seeks public comment on two approaches available under the Resource Conservation and Recovery Act (RCRA). One option is drawn from remedies available under Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D, which gives EPA authority to set performance standards for waste management facilities which are narrower in scope and would be enforced primarily by those states who adopt their own coal ash management programs and by private citizen suits. EPA estimated the potential impact of the proposed rule on electricity prices assuming that 100% of the costs of the rule would be passed through to coal-fired electric utility customers. EPA estimated a potential increase of 0.015 cents per kilowatt-hour under the Subtitle D option to 0.070 cents per kilowatt-hour under the Subtitle C option in potential average electricity prices charged by coal-fired electric utility plants on a nationwide basis.

EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs. However, EPA has identified concerns with some uses of CCRs in an unencapsulated form, in the event proper practices are not employed. The Agency is soliciting comment and information on these types of uses.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus
Assistant Administrator

10-001-0269

Congress of the United States
House of Representatives
Washington, DC 20515

September 22, 2010

Lisa P. Jackson
Administrator, U.S. Environmental Protection Agency
Ariel Rios Bldg., 1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Jackson:

As members of the bipartisan Congressional Sportsmen's Caucus, the largest and most active caucus on Capitol Hill, we are writing to urge you to dismiss the petition to ban the use of lead in fishing products. The attached letter from leading hunting, fishing and conservation organizations clearly points out that there is no scientific basis to warrant such a far reaching ban on traditional fishing equipment. A similar proposal to ban lead fishing tackle was dismissed by the EPA in the mid-1990s, because there was insufficient data to support such a ban – there is no additional data to support a ban today.

The American wildlife management model is the best in the world, and one of the pillars of this model is that the states retain the authority to manage most of their fish and wildlife. These state agencies are already monitoring and addressing any of the localized issues surrounding lead, making this draconian ban not only unnecessary, but intrusive. In a letter to you on this very issue dated September 2nd, the Association of Fish and Wildlife Agencies, which represents the collective perspectives of the 50 state fish and wildlife agencies, concludes, "A national ban on lead fishing sinkers is therefore neither necessary nor appropriate."

The President's "America's Great Outdoors" initiative is aimed at reconnecting Americans to the outdoors; fishing is an accessible, fun, family oriented activity that should be embraced and encouraged as part of this initiative. A ban on traditional fishing tackle will drive up costs substantially and serve as a disincentive for more Americans to get outside and enjoy this great pastime.

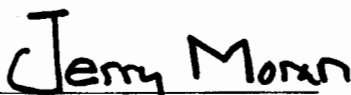
There are 60 million recreational anglers in America that contribute \$125 billion to our economy annually. Penalizing these men, women and children that are the best stewards of our environment, as well as the financial backbone to fish and wildlife conservation in our country, would be a terrible and unnecessary injustice.

We urge you to deny the petition to ban the use of lead in fishing products.

Sincerely,



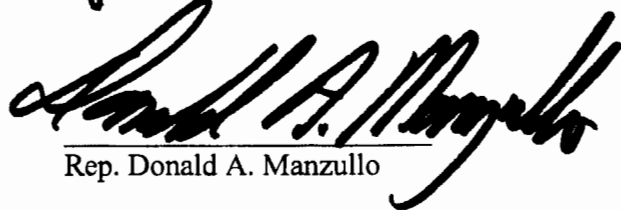
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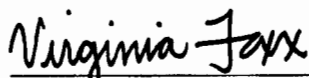
Rep. Jerry Moran



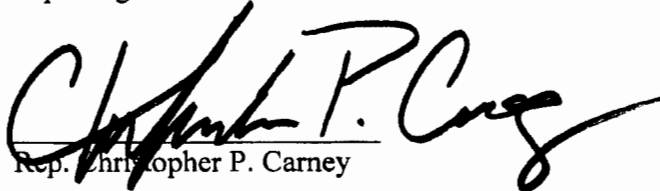
Rep. John Boozman



Rep. Donald A. Manzullo



Rep. Virginia Foxx



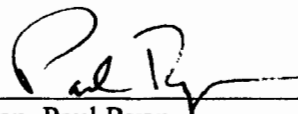
Rep. Christopher P. Carney



Rep. Marsha Blackburn



Rep. Michael T. McCaul



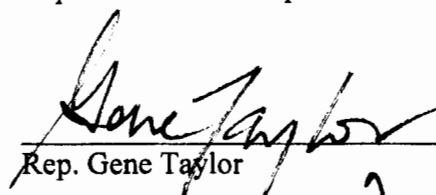
Rep. Paul Ryan



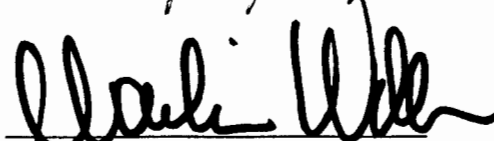
Rep. Jo Bonner



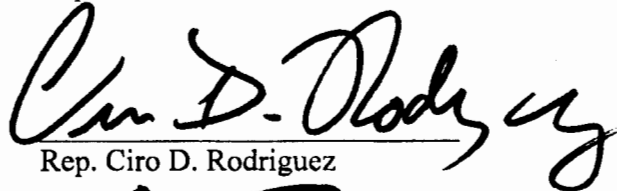
Rep. Michael K. Simpson



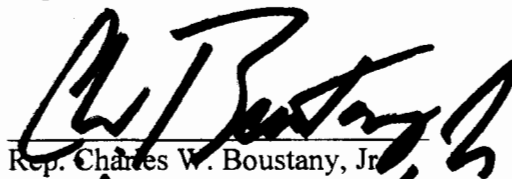
Rep. Gene Taylor



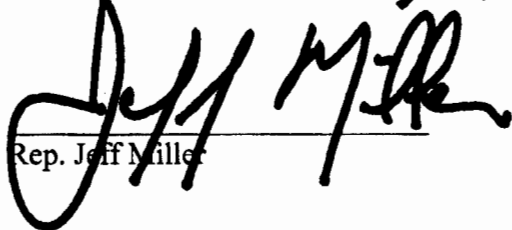
Rep. Charles A. Wilson



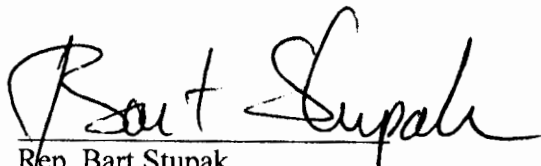
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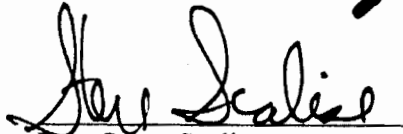
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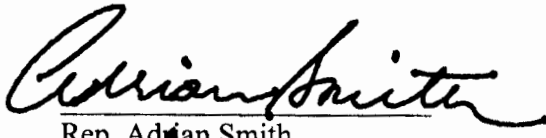


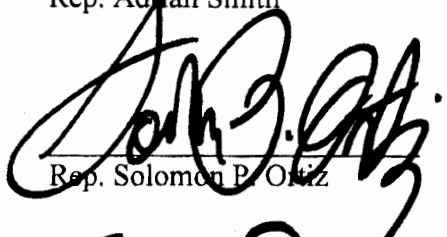
Rep. Jeff Miller


Rep. Bart Stupak


Rep. Fred Upton


Rep. Steve Scalise


Rep. Adrian Smith


Rep. Solomon P. Ortiz

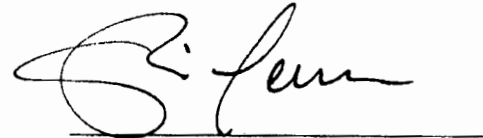

Rep. Steve Austria


Rep. Sue Wilkins Murick

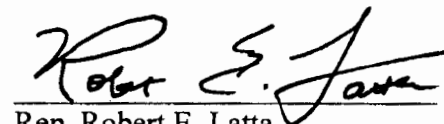

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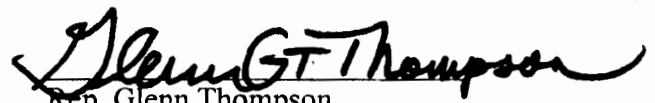

Rep. Duncan Hunter

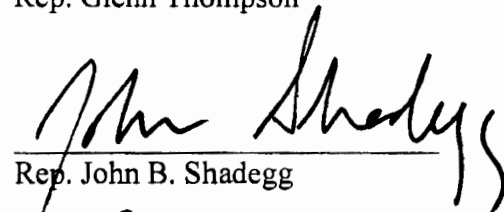

Rep. Howard Coble

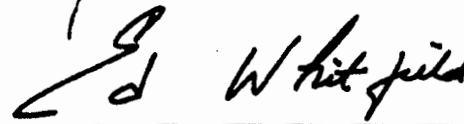

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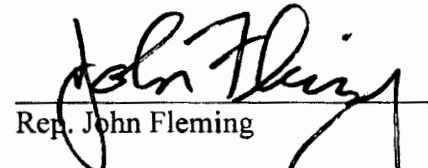

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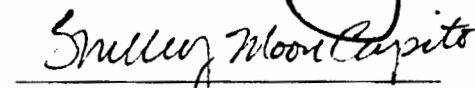

Rep. Robert E. Latta



Rep. Glenn Thompson


Rep. John B. Shadegg

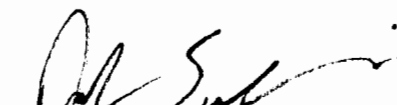

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Rep. John Fleming

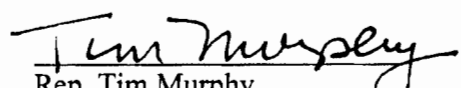

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Rep. Dean Heller

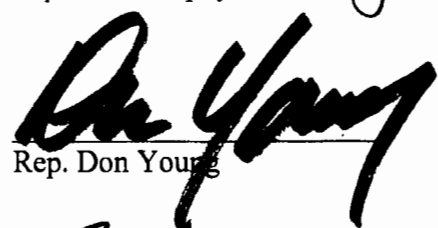

Rep. Kathleen A. Dahlkemper



Rep. John Sullivan



Rep. Tom Shimkus



Rep. Tim Murphy

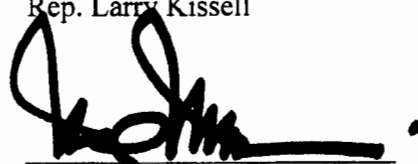

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Rep. Don Young

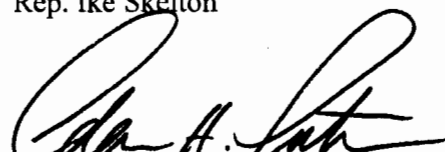

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Rep. Larry Kissell


Rep. Geoff Davis

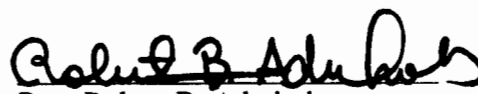

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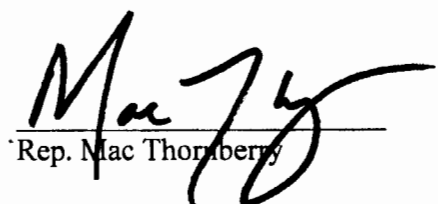

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Rep. Adam H. Putnam


Rep. Jason Altmire


Rep. Steven C. LaTourette

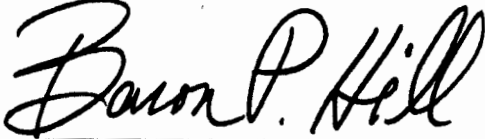

Rep. Robert B. Aderholt


Rep. Mac Thornberry


Rep. Walter B. Jones




Rep. Jason Chaffetz



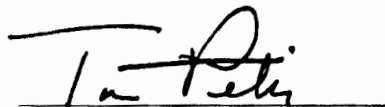
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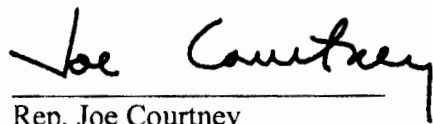
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Rep. Michele Bachmann



Rep. Thomas E. Petri



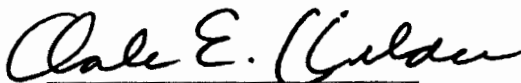
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Rep. Paul C. Broun, M.D.



Rep. David P. Roe



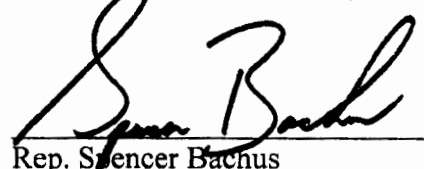
Rep. Dale E. Kildee



Rep. Ken Calvert



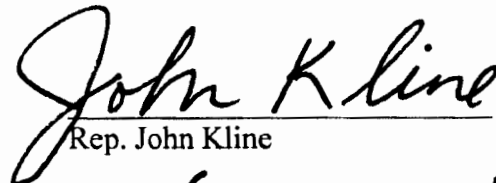
Rep. Mike McIntyre



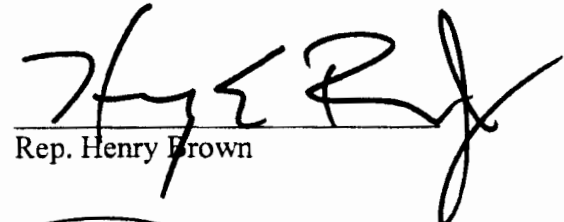
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Rep. Peter A. DeFazio



Rep. John Kline



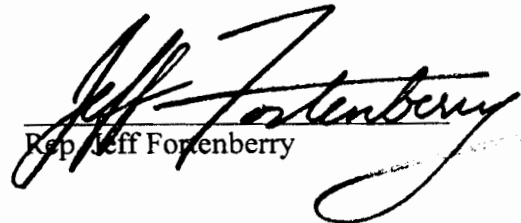
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Rep. Patrick J. Tiberi




Rep. Barney Frank



Rep. Jeff Fortenberry

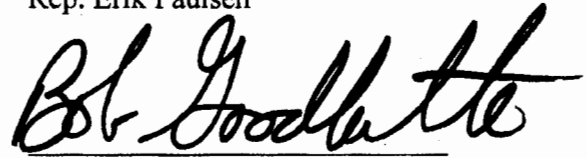

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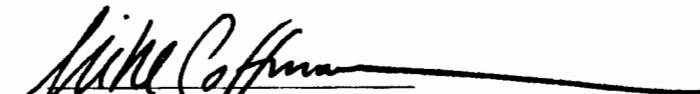

Rep. K. Michael Conway


Rep. Cynthia Lummis


Rep. Erik Paulsen


Rep. Tom Graves


Rep. Bob Goodlatte


Rep. Mike Coffman


Rep. Ron Kind



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 12 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, DC 20515-2306

Dear Congresswoman Bachmann:

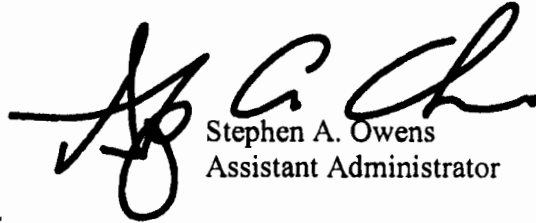
Thank you for your letter of October 1, 2010, to the U.S. Environmental Protection Agency's (EPA's) Administrator, Lisa Jackson, regarding an August 3, 2010, petition the Agency has received from the American Bird Conservancy and a number of other groups requesting that the EPA take action under the Toxic Substances Control Act (TSCA) to prohibit the manufacture, processing, and distribution in commerce of lead shot, bullets, and fishing sinkers. EPA denied the portion of the petition related to lead in ammunition on August 27, 2010, because the Agency does not have the legal authority to regulate this type of product under TSCA.

On behalf of the Administrator, I am writing to inform you that we have completed our review of the remaining portion of the petition and have determined that the petitioners did not demonstrate that the request for a uniform national ban of lead in fishing gear is necessary to protect against an unreasonable risk of injury to health or the environment, as required by TSCA section 21. EPA also determined that the petition did not demonstrate that the action requested is the least burdensome alternative to adequately protect against the concerns, as required by section 6 of TSCA. For these reasons, EPA denied the petitioners' request for a national ban on lead in all fishing gear.

EPA believes that the petition does not provide a sufficient justification for why a national ban of lead fishing sinkers and other lead fishing tackle is necessary given the actions being taken to address the concerns identified in the petition. There are an increasing number of limitations on the use of lead fishing gear on some Federal lands, as well as Federal outreach efforts. A number of states have established regulations that ban or restrict the use of lead sinkers and have created state education and fishing tackle exchange programs over the last decade. The emergence of these programs and activities over the past decade calls into question whether the broad rulemaking requested in the petition would be the least burdensome, adequately protective approach, as required by TSCA. We also noted to the petitioners that the prevalence of non-lead alternatives in the marketplace continues to increase.

Again, thank you for your letter and I hope the information on EPA's response to this petition is helpful to you. If you have additional questions, please feel free to contact me or your staff may contact Mr. Sven-Erik Kaiser in EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. A. Owens', is written over the printed name and title.

Stephen A. Owens
Assistant Administrator

MICHELE BACHMANN
6TH DISTRICT, MINNESOTA

COMMITTEES:
FINANCIAL SERVICES

HOUSE REPUBLICAN
POLICY COMMITTEE

ASSISTANT REPUBLICAN WHIP

08-001-4852

412 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2331

6043 HUDSON ROAD, SUITE 330
WOODBURY, MN 55125
(651) 731-6400

110 2ND STREET S, SUITE 232
WAITE PARK, MN 56387
(320) 263-6931

www.bachmann.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515-2306

October 17, 2008

The Honorable Stephen L. Johnson
Administrator of the
Environmental Protection Agency
633 3rd Street, N.W.
Washington, DC 20001

Dear Administrator Johnson:

I am writing to express my disappointment with the regulations recently proposed by the Environmental Protection Agency (EPA) regarding greenhouse gases. When the Supreme Court on April 2, 2007, issued a decision in *Massachusetts vs. EPA* that opened the door to greenhouse gases being considered an air pollutant under the Clean Air Act, no one could have imagined the sweeping intrusion into our economy and personal liberties this would invite the EPA to make. But, the rule proposed by the EPA far exceeds the authority envisioned by the Court's decision and far exceeds the bounds of appropriate rule-making.

There is no scientific consensus on greenhouse gases, yet the EPA accepts the proposition that greenhouse gases are indeed a pollutant that can be regulated under the Clean Air Act and uses that as its underlying assumption for the proposed rule. Congress has debated this issue and that is the appropriate forum for this discussion. But, using this flawed premise, the EPA then makes overly broad regulatory pronouncements that could devastate our currently fragile economy.

The proposal goes so far as to make specific engineering and design specifications, including how many grass clippings a lawnmower must make per gallon of gas. It would impact American farms, businesses, and homes. The authority assumed under this proposed rule would raise the price on energy, causing a domino effect that increases the costs of transportation, food manufactured goods and more. This massive regulation could cost the American economy an estimated 7 trillion dollars in lost GDP in just 20 years, undoubtedly resulting in massive job losses. During this current economic crisis, we cannot afford to put the American economy in any further turmoil or hardship that could hinder its recovery.

I urge you to please reconsider this misguided proposal. Authority this broad was never intended to rest in the hands of a government agency and should be a matter

of Congressional purview. The EPA should allow the will of the people to be carried out through their elected officials.

Sincerely,

A handwritten signature in black ink, reading "Michele Bachmann". The signature is written in a cursive style with a large, stylized initial "M".

Michele Bachmann
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 19 2008

OFFICE OF
AIR AND RADIATION

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

Thank you for your letter of October 17, 2008, concerning the U.S. Environmental Agency's (EPA) Advance Notice of Proposed Rulemaking on greenhouse gases. Your comments have been forwarded to the EPA Docket and will be considered part of the Agency record for any further action taken in response to the advance notice.

The advance notice represents EPA's next step in responding to the Supreme Court case finding that greenhouse gases are air pollutants under the Clean Air Act (CAA). It does not propose or recommend use of any particular CAA authority, and does not commit to any specific regulatory steps.

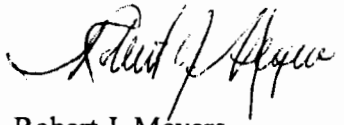
The purpose of the notice is to address the broad range of topics that are relevant to assessing the regulation of greenhouse gases under the CAA. For example, it identifies and discusses key overarching issues for design of greenhouse gas regulation, and notes that the CAA may limit the extent to which some of these issues may be addressed. The notice also reviews and summarizes the available science on climate change and its effects, as well as EPA's work to date on potential motor vehicle greenhouse gas standards under the CAA.

The notice provides an examination of CAA provisions potentially applicable to greenhouse gases since regulation of greenhouse gases under one CAA provision could lead to regulation under other provisions. The notice also seeks additional information and comments from the public on the regulatory approaches that might be available under the CAA, as well as many other matters related to interpretation of various provisions of the CAA, available technologies and climate change generally. In addition, it summarizes and seeks comment on seven petitions for rulemaking the Agency has received to set greenhouse gas standards for a wide array of mobile sources in addition to the on-highway vehicles that were the subject of the Supreme Court case.

The public comment period on the advance notice closed November 28, 2008. The Agency received a large number and wide range of comments and is in the process of reviewing the public comments. The Agency has also indicated that it will continue to docket comments received after the close of the comment period and appropriately consider those comments.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2806.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert J. Meyers".

Robert J. Meyers
Principal Deputy Assistant Administrator

10-001-6237

Congress of the United States
Washington, DC 20515

September 27, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Jackson:

We write to convey our continued concerns regarding the U.S. Environmental Protection Agency's (EPA) latest actions in its review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The Second Draft Policy Assessment (PA) for PM released on July 8, 2010 in the Federal Register lays the foundation for establishing the most stringent and unparalleled regulation of dust in our nation's history. We urge the EPA to refrain from going down this path.

Scientific studies are at best ambiguous in support of tightening the existing coarse PM standard. According to the PA, the science would justify leaving the standard as it is, in terms of public health. It is also critical to maintain the current standard for economic sustainability. A coarse PM NAAQS of 65-85 $\mu\text{g}/\text{m}^3$ would be approximately twice as stringent as the current standard and would require the designation of many more non-attainment areas than currently exist, particularly in rural areas. The current standards have been very difficult and expensive for industries in the Western part of the country to attain, including agricultural and other resource-based industries. The possibility of those same industries having to meet a standard that is twice as stringent causes us great concern, especially when a revision is not required by science.

In addition, contrary to EPA's assertion, a dust standard in the range of 65-85 $\mu\text{g}/\text{m}^3$ with a 98th percentile form is not equal to the current standard of 150 $\mu\text{g}/\text{m}^3$ with a 99th percentile form in arid rural areas of the United States. In fact, it appears that such a standard would target rural areas. Considering the Administration's claim that it is focusing on revitalizing rural America and rural economic development, a proposal such as this would have a significant negative impact on those very goals.

While we respect efforts for a clean and healthy environment, scientific studies do not support the need for revising the dust standard. We are hopeful that common sense will prevail and the EPA will refrain from causing extreme hardship to farmers, livestock producers, and other resource-based industries throughout rural America. Whether it is livestock kicking up dust, corn being combined, or a pickup driving down a gravel road, dust is a naturally-occurring event in rural areas. Common sense requires the EPA to acknowledge that the wind blows dust around in these areas, and that is a fact of life.

Sincerely,

Cynthia P. Lummis

Jack D. L...

Nichole Bachmann

W. Coe at:

Phil Pengay

Bob B...

Bill B...

Lynn Jenkins

Stephanie Hirsch Sordlin

Paul C B...

Mike P...

R. B...

Bill Shuster

Marsha Blackburn

R. Markert

Ed H. Lutz

John Shadegg

John H. Lutz

Ann E. Lutz

Jim Lutz
Eric Lutz

Joe Wilson

Carlson

Sue Myrick

Doug Jamison

Joseph R. Pitts

J. M. Ellis

Barry M. Lutz 12-1-2

Harry Teague

Steve King

Blair J. J.

Ting -

Bobby Bright

Mary Fullin

John S. S.

Stanley E. S.

Jeff Fortensky

W. K. S.

Don Young

Lynn A. W.

John Kline

Betsy Markay

Robert B. Adulash

S. S.

Robert E. J.

G. Giffards

Joe Barton

Mr. T. K.

Walt Whit
Adams

K. W. Long
Jerry Moran

John J. Duncanson
Bob Goodknight

Ray Blunt
Ray Walden

Jack Kingston
Walter B. Jones

Lick Jip
Joe Terry

Leonard Bishop

Mike McFartyre

John Emerson
John IL-19

Todd Thirt
Sam Cole

Ben Paul

Christian Smith

Randy Mum

Howard Cobb

E. Whitfield

Jeff Hensley

John Smith

Wally Hergen

Mike Coffman

Rep. Cynthia M. Lummis
Rep. Frank Lucas
Rep. Michele Bachmann
Rep. Todd Akin
Rep. Phil Gingrey
Rep. Rob Bishop
Rep. Bill Posey
Rep. Lynn Jenkins
Rep. Stephanie Herseth Sandlin
Rep. Paul C. Broun
Rep. Mike Rogers (AL)
Rep. Kevin Brady
Rep. Bill Shuster
Rep. Joe Wilson
Rep. Marsha Blackburn
Rep. Dan Boren
Rep. Kenny Marchant
Rep. Sue Myrick
Rep. Adam Putnam
Rep. Doug Lamborn
Rep. John Shadegg
Rep. Joseph R. Pitts
Rep. John Carter
Rep. Tom McClintock
Rep. Aaron Schock
Rep. Brett Guthrie
Rep. Jim Jordan
Rep. Harry Teague
Rep. Jason Chaffetz
Rep. Steve King
Rep. Blaine Luetkemeyer
Rep. Lynn A. Westmoreland
Rep. Timothy V. Johnson
Rep. John Kline
Rep. Bobby Bright
Rep. Betsy Markey
Rep. Mary Fallin
Rep. Robert Aderholt

Rep. John Spratt
Rep. Sam Graves
Rep. Leonard Boswell
Rep. Robert E. Latta
Rep. Jeff Fortenberry
Rep. Gabrielle Giffords
Rep. Ann Kirkpatrick
Rep. Joe Barton
Rep. Don Young
Rep. Mac Thornberry
Rep. Walt Minnick
Rep. Michael Conaway
Rep. Ike Skelton
Rep. Jerry Moran
Rep. John J. Duncan
Rep. Roy Blunt
Rep. Bob Goodlatte
Rep. Gary Walden
Rep. Jack Kingston
Rep. Mike Simpson
Rep. Walter B. Jones
Rep. Lee Terry
Rep. Sanford D. Bishop
Rep. Mike McIntyre
Rep. Jo Ann Emerson
Rep. Todd Tiahrt
Rep. John Shimkus
Rep. Tom Cole
Rep. Ron Paul
Rep. Adrian Smith
Rep. Randy Neugebauer
Rep. Howard Coble
Rep. Ed Whitfield
Rep. Jeb Hensarling
Rep. John Sullivan
Rep. Wally Herger
Rep. Mike Coffman



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 10 2010

OFFICE OF
AIR AND RADIATION

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

Thank you for your letter of September 27, 2010, cosigned by 74 of your colleagues, expressing concern over the ongoing review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The Administrator asked that I respond to your letter.

We appreciate the importance of NAAQS decisions to western portions of the country as well as to rural and agricultural communities, and I respect your perspectives and opinions. NAAQS are set to protect public health from outdoor air pollution, and are not focused on any specific category of sources or on any particular activity (including activities related to agriculture). The NAAQS are based on consideration of the scientific evidence and technical information regarding the health and welfare effects of the pollutants for which they are set.

We are early in the process and far from making any decisions on whether the PM standards should be changed. The next step is consideration of public comments and advice from the Clean Air Scientific Advisory Committee on a draft Policy Assessment (PA) prepared by staff at the U.S. Environmental Protection Agency (EPA). The PA is not a decision document; it will be used with other information to inform the Administrator so she is able to determine whether, and if so how, to propose a revision of the NAAQS. There is a significant amount of work to be done, and a formal proposal and call for further public review and comments would not be issued until early 2011. Before any rule would be proposed, EPA would reach out to agricultural and rural interests to learn their concerns and perspectives. Following consideration of public comments on a proposal, the Administrator would issue a notice of final rulemaking later in 2011.

I want to note a correction with regard to your statement that "a coarse PM NAAQS of 65-85 $\mu\text{g}/\text{m}^3$ would be approximately twice as stringent as the current standard." This is incorrect. According to EPA's draft PA, it would be appropriate to consider this range of alternative PM_{10} numerical levels only in conjunction with a significant change in the method used to calculate whether an area attains the standard. Such a change in the calculation could provide more flexibility than the current standard and greater year-to-year stability for the states.

We remain committed to common sense approaches to improving air quality across the country without placing undue burden on agricultural and rural communities. We will continue discussing these options with the Agency's science advisors and the public. This is all part of the open and transparent rulemaking process that provides Americans with many opportunities to offer their comments and thoughts. Your comments and those of your colleagues will be fully considered as we proceed with our deliberations.

Again, I thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy
Assistant Administrator

10-001-3214

Congress of the United States
Washington, DC 20515

August 2, 2010

Administrator Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460-3300

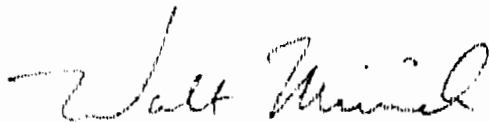
Dear Administrator Jackson:

We are writing to express our concern about the proposed Boiler MACT rule -- the Maximum Achievable Control Technology rule for industrial, commercial and institutional boilers and process heaters -- that was published on June 4th. As our nation struggles to recover from the current recession, we are deeply concerned that the potential impact of pending Clean Air Act regulations could be unsustainable for U.S. manufacturing and the high-paying jobs it provides. As the national unemployment rate hovers around 10 percent, and federal, state, and municipal finances are in dire straits, hundreds of thousands of manufacturing workers have lost their jobs in the past year alone. The flow of capital for new investment and hiring is still seriously restricted, and could make or break the viability of continued operations. Both small and large businesses are vulnerable to extremely costly regulatory burdens, as well as municipalities, universities, federal facilities, and commercial entities. While we support efforts to address serious health threats from air emissions, we also believe that regulations can be crafted in a balanced way that sustains both the environment and jobs.

We understand that the Boiler MACT rule alone could impose tens of billions of dollars in capital costs at thousands of facilities across the country. Thus, we appreciate your willingness, as expressed in your responses to other recent Congressional letters, to consider flexible approaches that appropriately address the diversity of boilers, operations, sectors, and fuels that could prevent severe job losses and billions of dollars in unnecessary regulatory costs. The proposal asks for comment on an approach that would allow facilities to demonstrate that emissions of certain pollutants do not pose a public health threat. The discussion concludes that the use of the authority under section 112(d)(4) is discretionary and the Agency does not support its use in Boiler MACT. We believe that provision reflects Congress' intent to provide for flexibility where there is not a public health threat. In such cases, it makes sense to allow that approach in the final rule for threshold substances such as hydrogen chloride and manganese. In addition, EPA should use a method to set emissions standards that is based on what real world best performing units actually can achieve. EPA should not ignore biases in its emissions database, the practical capabilities of controls or the variability in operations, fuels and testing performance across the many regulated sectors.

As EPA turns to developing a final Boiler MACT rule, we hope you will carefully consider sustainable approaches that protect the environment and public health while fostering economic recovery and jobs within the bounds of the law. Thank you for your consideration of these views.

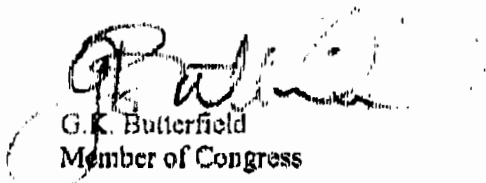
Sincerely,



Walt Minnick
Member of Congress



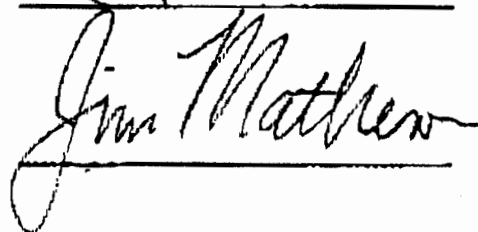
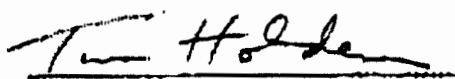
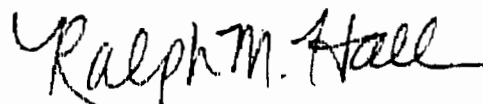
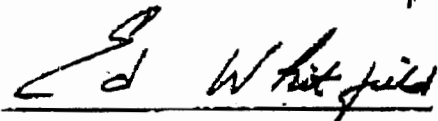
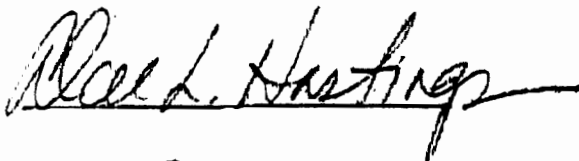
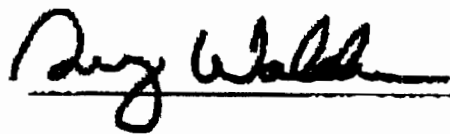
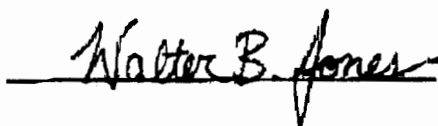
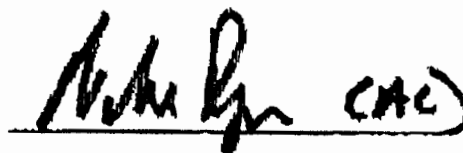
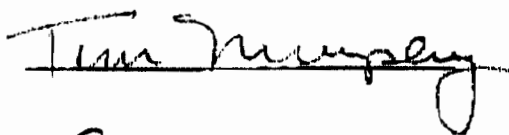
Robert B. Aderholt
Member of Congress



G.K. Butterfield
Member of Congress



John Shinkus
Member of Congress



Scott Murphy

Bob B

Glenn GT Thompson

Arturo Davis

Carl

Tom

Kenny MacInt

Phil Sings

Candice S. Miller

MT

mel Roa (mz. 8)

Wally Hergen

Bill Shuster

John

Cathy

Sue Myrick

Kari Bony

dhara Black

Gregg Harper

Rodney

Charles J. Melton
LA-03

Paul Davis

Robert Gifford

Joseph R. Pitts

Harold

Phil Kane

David Scalis

Charles P. Cag

Jim Marshall

Robert M. Smith

John E.

Bob

William

Ann

Brett Guthrie

Ronnie

Long Kincaid

John Schmidt

Kathy

John J. Dunning

John Brennan

Lyndell P. Dennis

Steve Chaffetz

John Fleming

Jeff Lewis

John Fleming

Bob Smith

Billy Bryant

John A. ...

Steve Kagen MD

John ...

John Spratt

Kurt Schneider

Leonard L. Bawell

Virginia Foxe

John ...

John ...

Bob Elder

Michael H. Michael

Joe Donnelly

Dick Bouches

Irene Barker

Jo Bonner

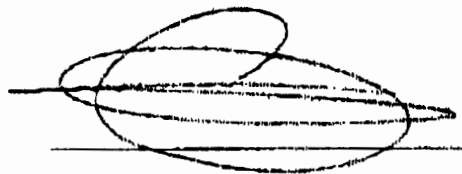
Marion Berry

Bill Owen

Pete Olson

Lee Holt

Howard Cole



Bart Stupke

Bob Goodlette

Joan Oberstar

Tom Peters

Jenny Reiberg



Mike McFadyen

Rich Gray

Fred Mott

Dennis W. Childers

Daniel Lipinski

Robert J. Bump

Shelley Moore Capito

Gann Emerso

EC

Christopher Lee

Susanie Perseth Sandlin

Mark Row

Jeff Miller

Colin D.

cc: Regina McCarthy, Environmental Protection Agency
Robert Perciasepe, Environmental Protection Agency
Robert Sussman, Environmental Protection Agency
Cass Sunstein, Office of Management and Budget
Lawrence Summers, National Economic Council

Congressman Walt Minnick

1517 Longworth House Office Bldg.

Washington, DC 20515

(202) 225-6611

(202) 225-3029 Fax



To: Administrator Lisa Jackson

Fax #: 202-501-1519

CC: _____

From: Congressman Minnick

Re: _____

Date: 7/03/2010

Total # of Pages: 8

Comments:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 26 2010

OFFICE OF
AIR AND RADIATION

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

Thank you for your letter of August 2, 2010, co-signed by 105 of your colleagues, to the U.S. Environmental Protection Agency (EPA) concerning the potential economic impact of the proposed standards for industrial, commercial, and institutional boilers and process heaters (the Boiler MACT). The Administrator asked that I respond to your letter.

As you may know, EPA's maximum achievable control technology standards, or MACT standards, are based on the emissions levels already achieved by the best-performing facilities. When developing a MACT standard for a particular source category, EPA looks at the level of emissions currently being achieved by the best-performing similar sources through clean processes, control devices, work practices, or other methods. These emission levels set a baseline (often referred to as the "MACT floor") for the new standards. To set the MACT floor, EPA follows a series of steps. First, EPA ranks the performance of each unit for which we have data from lowest to highest emitting. Second, we average the emissions of the top performing 12 percent of units, taking into account the variability in the performance of those units. Third, we incorporate this statistical variability to set the numerical emission limit. We repeat this process for each air toxic in a category. At a minimum, a MACT standard must achieve, throughout the industry, a level of control that is at least equivalent to the MACT floor. EPA can establish a more stringent standard when this makes economic, environmental, and public health sense.

These rules are an important part of our continued commitment to reducing toxic air pollution in communities. Many of the approaches that facilities may choose to meet the proposed emission limits have been available and in use for decades – from add-on control technologies such as baghouses, carbon injection or scrubbers to good combustion practices and increased energy efficiency.

When completed, the boiler rules would improve air quality by reducing emissions of highly toxic chemicals – including mercury and lead – from sources nationwide. Combined, the boiler proposals would reduce more than 16,000 pounds of mercury emissions – including deep cuts in mercury emissions from industrial boilers, which are among the top three sources of mercury emissions in the United States. Mercury and lead can cause adverse effects on children's developing brains, including effects on IQ, learning, and memory. The boiler rules

would also reduce emissions of other pollutants including cadmium, dioxin, furans, formaldehyde and hydrochloric acid. These pollutants can cause cancer or other adverse health effects in adults and children.

We estimate the proposed cuts would have direct benefits to many communities where people live very close to these units – including combined health benefits estimated at \$18 billion to \$43 billion annually. As proposed, each year these rules would avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms.

In your letter, you request that EPA give appropriate attention to the economic impacts of the boiler rules, including the potential for job losses resulting from the large capital costs that may be required to meet the standards. The public comment period for the proposed rulemakings closed on August 23, 2010, and we are in the process of summarizing the comments, including those contained in your letter, so that we can make informed decisions using all of the information that is available to us. To the extent that new information has been provided that supports changes to the standards that could lessen the economic impacts while still fulfilling our obligations under the statute, we will give full consideration to such information. In addition, we specifically requested comment on several flexible approaches that could lessen the economic impacts of the rules, and to the extent that we receive new information that demonstrates that such provisions are allowed under the statute, we will revise the final rule as appropriate. We requested that additional data be provided to EPA so that the standards can be based on a robust data set that accurately portrays the emission reductions achieved by the best performing sources, including variability. We will incorporate new data into our analyses as we develop the final standards.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a stylized, flowing script.

Gina McCarthy
Assistant Administrator

12-001-9720

Congress of the United States
Washington, DC 20515

November 21, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson,

We are concerned about the Environmental Protection Agency's (EPA) proposed rule to reduce National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}). This proposed rule would impact our states and local communities by imposing burdensome new restrictions on economic growth -- just at the time these areas are struggling to attract much needed new jobs. The Agency is proceeding in an expedited fashion despite stakeholder comments stating that these regulations will impose an undue burden and despite telling a federal court last May that the Agency would need until August 2013 to review those comments and finalize the PM_{2.5} rule.

EPA's proposal to lower PM_{2.5} NAAQS comes as counties and states are showing tremendous success in implementing the current standards. According to EPA's own analysis, PM_{2.5} emissions have been cut in half over the last ten years, dropping by 1.1 million tons per year. Air quality is also improving as average PM_{2.5} concentrations have been reduced by 27% over that same period. While certain states continue their work to attain the current standards, they all share the achievement of cleaner air. EPA's proposal to further reduce PM_{2.5} NAAQS unfairly moves the goalposts in mid-game, and puts many communities at risk of being stigmatized as non-attainment.

Reducing PM_{2.5} NAAQS from the current 15 µg/m³ to EPA's proposed range of 13 to 12 µg/m³ will have wide-ranging impact across the country. EPA data indicates numerous counties meeting the current standard will fail this new more stringent range. Far more counties face non-attainment should EPA select 11 µg/m³, an outcome for which Agency accepted comments. When accounting for EPA designation and implementation policies, the proposed rule puts hundreds of counties at risk of non-attainment.

Counties designated as non-attainment areas face immediate, substantial, and long-lasting economic consequences. Existing facilities are often required to install new, expensive controls. Local infrastructure is impacted as federal funds for transportation projects are withheld unless those projects can be shown not to increase PM_{2.5} emissions. New businesses seeking to build or upgrade operations must install the most effective PM_{2.5} emissions controls, without consideration of cost, and are subject to enhanced EPA oversight. In addition, businesses must

The Honorable Lisa Jackson
November 21, 2012
Page 2

offset new PM_{2.5} emissions by paying for emissions reductions at existing facilities. In the absence of affordable offsets, new projects cannot proceed.

Moreover, restrictions do not end once non-attainment areas achieve the PM_{2.5} NAAQS. Instead, these counties must petition EPA to be redesignated to attainment by submitting a complex maintenance plan listing numerous mandatory and long-lasting measures. The sum of all these non-attainment regulatory burdens is lost business investment in local communities, reducing tax revenues supporting local schools as well as first responders and effectively hamstringing any efforts to overcome present fiscal hardships.

In light of the substantial economic impact involved, and in keeping with President Obama's Executive Order 13563, we believe that the Agency should not force stringent new NAAQS too quickly. Doing so will hurt counties and states - many still implementing the current PM_{2.5} NAAQS - struggling to move out of challenging economic conditions. Rather, EPA should maintain the current standards, and work with communities to continue the long-term trend of PM_{2.5} emissions reductions.

Sincerely,

Rob E. Jatta

John T. Sawyer

Gregory R. ...

Thomas

John Custer

Jason Altmore

Bob Mikh

Bill Johnson

David B. Miller

Brett Gathorn

John B. G. G.

[Signature]

Jeff Arvan

Maisha Blackburn

Bill Skust

Sam Myrick

Tim Murray

Coold Rakta

Frank Rogers

Lyn A. Whitsh

Shelley Moore Capito

Alan Emerson

Bob Gualletto

Deane B. Adams

Michael Bachmann

Loy Kinell

Prin 76

Bill Huizenga

W. H. H. H.

Jim L.

Steve King

M/ST

Lee Davis

Galt Long

John Kline

Don Young

Rick Crawford

Rene Lehman

Samuel D. Boegh

Jack Little

Pat Tiboni

Pete Olson

Jim Matheson

James R. ...

Tom Felt.

Peter Proskam

Reid Hilde

List of Signatures

1. Rep. Bob Latta
2. Rep. John Barrow
3. Rep. James Lankford
4. Rep. Andy Harris
5. Rep. Steve Austria
6. Rep. Jason Altmire
7. Rep. Bob Gibbs
8. Rep. Bill Johnson
9. Rep. David McKinley
10. Rep. Brett Guthrie
11. Rep. Rob Bishop
12. Rep. James Renacci
13. Rep. Jeff Duncan
14. Rep. Marsha Blackburn
15. Rep. Bill Shuster
16. Rep. Sue Myrick
17. Rep. Tim Murphy
18. Rep. Todd Rokita
19. Rep. Harold Rogers
20. Rep. Lynn Westmoreland
21. Rep. Shelley Moore Capito
22. Rep. Jo Ann Emerson
23. Rep. Bob Goodlatte
24. Rep. Robert Aderholt
25. Rep. Michele Bachmann
26. Rep. Larry Kissell
27. Rep. Bill Flores
28. Rep. Bill Huizenga
29. Rep. H. Morgan Griffith
30. Rep. Tim Scott
31. Rep. Steve King
32. Rep. Mark Critz
33. Rep. Steve Stivers
34. Rep. Billy Long
35. Rep. John Kline
36. Rep. Don Young
37. Rep. Rick Crawford
38. Rep. Jim Matheson
39. Rep. Louie Gohmert

- 40. Rep. Spencer Bachus
- 41. Rep. Sanford D. Bishop, Jr.
- 42. Rep. Tom Petri
- 43. Rep. Joseph Pitts
- 44. Rep. Peter Roskam
- 45. Rep. Pat Tiberi
- 46. Rep. Reid Ribble
- 47. Rep. Pete Olson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 14 2013

OFFICE OF
AIR AND RADIATION

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

Thank you for your letter of November 21, 2012, co-signed by 46 of your colleagues, to U.S. Environmental Protection Agency Administrator Lisa P. Jackson, regarding the agency's review of the National Ambient Air Quality Standards (NAAQS) for particulate matter. The Administrator asked me to respond on her behalf.

On December 14, 2012, the EPA took important steps to protect the health of Americans from fine particle pollution by strengthening the primary annual standard for fine particles (PM_{2.5}) to 12.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and retaining the 24-hour fine particle standard of 35 $\mu\text{g}/\text{m}^3$. The agency also retained the existing standards for coarse particle pollution (PM₁₀). The strengthened annual PM_{2.5} standard will provide increased public health protection from a range of serious adverse impacts, including premature death and harmful effects on the cardiovascular system, and decrease hospital admissions and emergency department visits for heart attacks, strokes and asthma attacks.

Importantly, emissions reductions from EPA, state and local rules already on the books will help 99 percent of counties with monitors meet the revised PM_{2.5} standards without additional emissions reductions. These rules include clean diesel rules for vehicles and fuels, and rules to reduce pollution from power plants, locomotives and marine vessels, among others. The EPA estimates that meeting the new fine particle standard will provide health benefits worth an estimated \$4 billion to \$9.1 billion per year in 2020 – a return of \$12 to \$171 for every dollar invested in pollution reduction.

Your comments and recommendations on the proposed rule were included in the public docket for this rulemaking and were considered, along with other public comments on the proposal, in the final decision-making process.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is written over the typed name.

Gina McCarthy
Assistant Administrator



11-000-2942

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 23 2011

THE ADMINISTRATOR

The Honorable Michele Bachmann
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

The 1990 amendments to the Clean Air Act directed the Environmental Protection Agency to issue emissions standards for hazardous air pollution from large stationary sources, including industrial, commercial, and institutional boilers and process heaters ("boiler air toxics standards"). I am writing to update you on the Agency's long-overdue work to carry out that Congressional mandate.

The EPA finally proposed boiler air toxics standards for public comment last June. After another eight months of work, and in order to comply with an order issued by the U.S. District Court for the District of Columbia, the Agency issued the boiler air toxics standards two days ago. As explained below, however, existing sources will not need to make any changes immediately.

A large number of businesses and other institutions submitted comments on the proposed standards that the EPA published last June. Those comments contained voluminous data that the Agency did not have at the time it crafted the proposal. The new data has proved highly relevant to the EPA's essential tasks of (1) organizing the multitude of boilers and process heaters into appropriate subcategories and (2) calibrating the standard for each subcategory to the emissions control that well-performing existing facilities within it are achieving already.

Consequently, the standards that the EPA just issued reflect significant changes that the Agency made to the original proposal. For example, the EPA –

- has established a solid-fuel boiler subcategory in recognition of the lack of clear technical distinction between boilers that burn coal and boilers that burn biomass;
- has provided additional flexibility for existing biomass boilers by increasing the carbon monoxide limit and establishing work practice standards for startups and shutdowns;
- has ensured that the standards for all of the various air toxics can, in practice, be met by an individual unit, even though the Agency followed its historical approach of calculating minimum standards on a pollutant-by-pollutant basis; and

- has reduced compliance costs by requiring tune-ups, in lieu of setting numeric emission limits, for boilers and process heaters that use natural gas (or other gaseous fuels – from refineries, landfills, or other sources – that meet mercury and hydrogen sulfide specifications similar to those of natural gas).

Changes such as those listed above render the issued standards about half as costly to meet as the proposed ones would have been. The issued standards nonetheless will protect enormous numbers of American adults and children from harm by reducing their exposure to air toxics such as mercury and lead, which have adverse effects on IQ, learning, and memory.

The health benefits are particularly important for people living in communities close to the affected facilities. The analyses accompanying the standards find that for every dollar spent to comply with the standards, the public will receive at least fifteen to thirty-six dollars in health protection and other benefits. The standards will also reduce concentrations of ozone and fine particles, thereby avoiding, in the year 2014 alone –

- 2,500 to 6,500 premature deaths;
- 1,600 cases of chronic bronchitis;
- 4,000 nonfatal heart attacks;
- 4,300 hospital and emergency room visits;
- 3,700 cases of acute bronchitis;
- 78,000 cases of respiratory symptoms;
- 310,000 days when people miss work or school;
- 41,000 cases of aggravated asthma; and
- 1,900,000 days when people must restrict their activities.

Finally, it is important to note that, even when the EPA does not count the jobs created in manufacturing and installing pollution control equipment, the Agency estimates that the new standards will, on balance, create 2,200 new jobs.

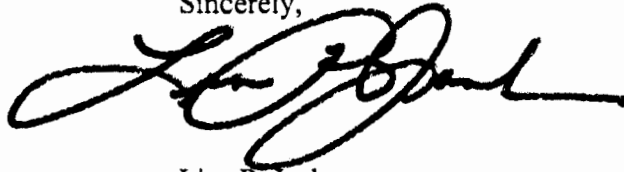
I am proud of the work that the EPA has done to craft protective, sensible standards for controlling hazardous air pollution from boilers and process heaters. The standards reflect what industry has told the Agency about the practical reality of operating these units. I am also, however, sensitive to the fact that the standards issued earlier this week are substantially different from the ones on which the public had an opportunity to comment last year. To the extent that the standards contain provisions that stakeholders could not have anticipated based on the proposal, the public deserves an opportunity to comment on those changed provisions. The additional comments will give the EPA a means of ensuring that it has not, in changing the proposed standards substantially, effectuated any results that the Agency did not anticipate or intend.

Therefore, the EPA will solicit and accept comments from members of the public who would like the Agency to reconsider aspects of the standards that have changed significantly and unexpectedly from the proposal. Existing sources are not required to comply with the standards until three years after they become effective, and parties may request that the EPA delay the effective date as part of the reconsideration process.

Therefore, the EPA will solicit and accept comments from members of the public who would like the Agency to reconsider aspects of the standards that have changed significantly and unexpectedly from the proposal. Existing sources are not required to comply with the standards until three years after they become effective, and parties may request that the EPA delay the effective date as part of the reconsideration process.

I hope that this update has been helpful. If you have any questions, please do not hesitate to contact me or to have your staff contact David McIntosh, the Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564-0539.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', with a large, stylized initial 'L' and 'J'.

Lisa P. Jackson

11-001-3062

Congress of the United States
Washington, DC 20515

July 27, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Jackson,

We are writing you to express our concerns with the implementation of the Oil Spill Prevention, Control and Countermeasure (SPCC) rule for farmers and ranchers.

As you know, the SPCC regulations would apply to any facility with an above-ground oil storage capacity of at least 1,320 gallons in containers holding more than 55 gallons. We are concerned with current circumstances that we feel are not conducive to effective compliance, or achieving the goal of SPCC regulations.

In order to comply with these guidelines, many farmers and ranchers will need to undertake expensive improvements in infrastructure and must hire engineers to meet specific criteria. At this time, most agriculture producers are hard-pressed to procure the services of Professional Engineers (PEs). Many producers have reported that they are unable to find PEs willing to work on farms. Additionally, some states do not have a single qualified PE registered to provide SPCC consultation. The scarce availability of engineers calls into question the viability of achieving the goal of full compliance by November 2011.

As you have travelled to farms and rural communities in the Mid-south and Midwest, you have seen first-hand the hardship facing farmers due to the devastation wrought by floods and severe weather. Farmers and ranchers are dealing with crop losses to the tune of billions of dollars and have been working around-the-clock to clean up the damage and preserve what little crops they have left. At this time, it is simply not within the means of many farmers to deal with losses while allocating time and money towards complying with SPCC regulations.

Recently, the EPA and the U.S. Army Corps of Engineers released draft guidance that drastically expands the agencies' authority in terms of the waters and wetlands considered "adjacent" to jurisdictional "waters of the United States" under the Clean Water Act. Many farmers and ranchers are worried that this guidance will force compliance with the SPCC, without the necessary time to do so. We believe that producers want to be in compliance, but the delay of assistance documentation has severely constrained their ability to make the necessary preparations.

In addition, the EPA has yet to provide clarification regarding who is responsible for maintaining the plan, as many farms are operated by those who do not own the land. Many farmers and ranchers are also unsure of how the EPA will enforce the rule.

Before moving forward, we ask that you ensure a process free of confusion and overly burdensome rules that might disincentivize SPCC compliance. By nature of occupation, family farmers are already careful stewards of land and water. No one has more at stake than those who work on the ground from which they derive their livelihood. We respectfully request that you reconsider the SPCC implementation deadline, continue to dialogue with the agriculture community and its stakeholders, and ensure that the rule is not overly burdensome or confusing. We believe this would help avoid unintended consequences. We appreciate your attention to this important matter.

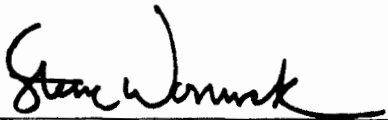
Sincerely,



Rick Crawford
Member of Congress



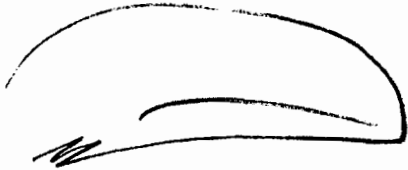
Stephen Fincher
Member of Congress



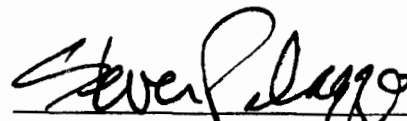
Steve Womack
Member of Congress



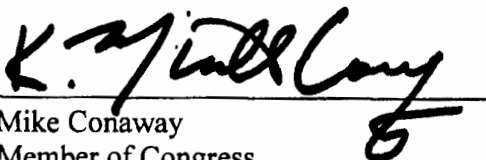
John Carter
Member of Congress



Scott DesJarlais
Member of Congress



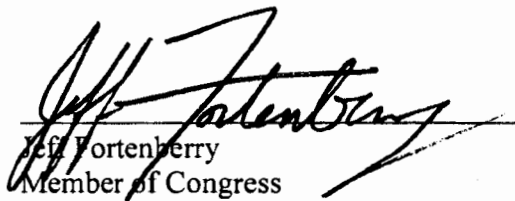
Steven Palazzo
Member of Congress



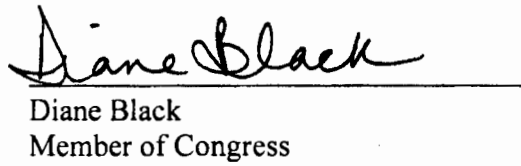
Mike Conaway
Member of Congress

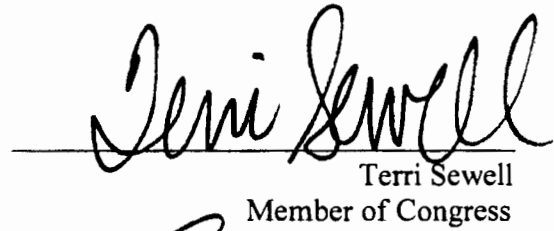


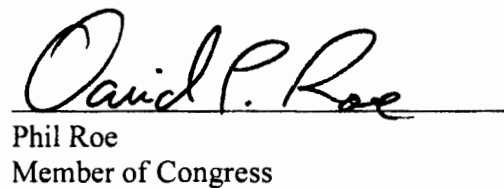
Brett Guthrie
Member of Congress

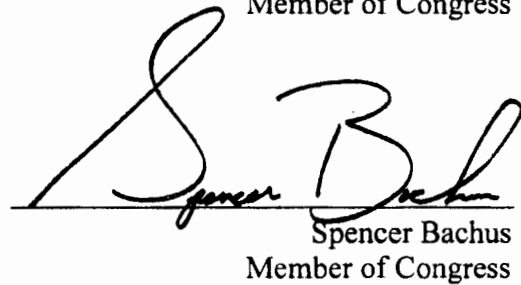

Jeff Fortenberry
Member of Congress

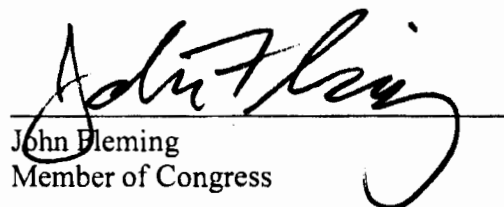

Walter Jones
Member of Congress


Diane Black
Member of Congress

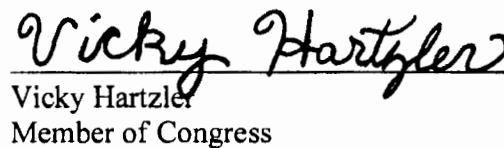

Terri Sewell
Member of Congress


Phil Roe
Member of Congress


Spencer Bachus
Member of Congress

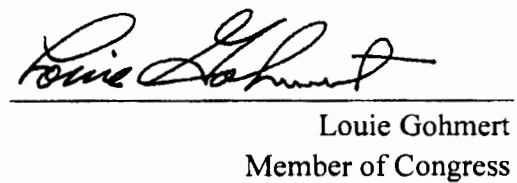

John Fleming
Member of Congress

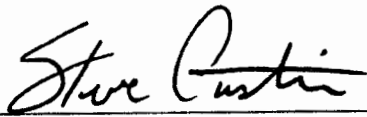

Marsha Blackburn
Member of Congress


Vicky Hartzler
Member of Congress

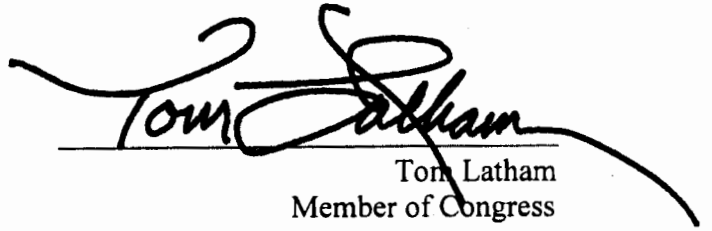

Cory Gardner
Member of Congress


Steve King
Member of Congress



Louie Gohmert
Member of Congress



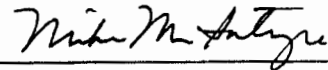
Steve Austria
Member of Congress



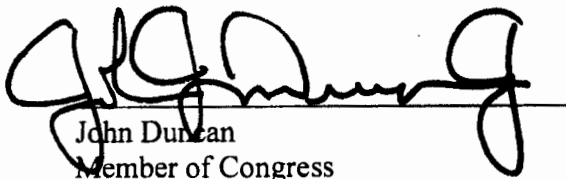
Tom Latham
Member of Congress



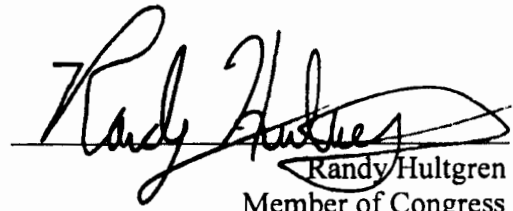
Mo Brooks
Member of Congress



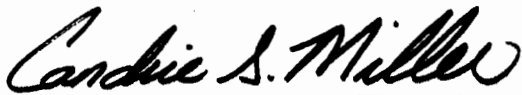
Mike McIntyre
Member of Congress



John Duncan
Member of Congress



Randy Hultgren
Member of Congress



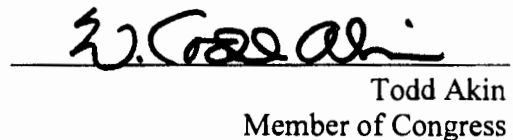
Candice Miller
Member of Congress



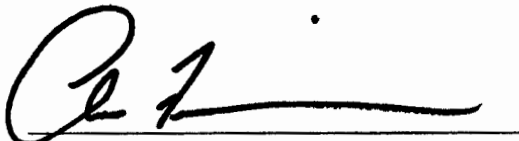
Lynn Jenkins
Member of Congress



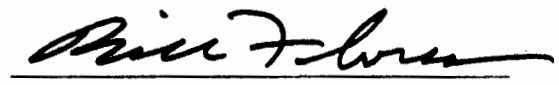
Francisco "Quico" Canseco
Member of Congress



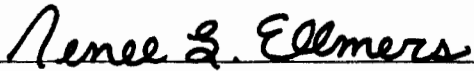
Todd Akin
Member of Congress



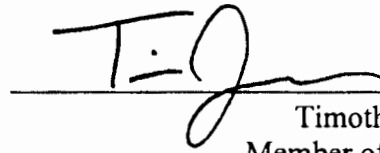
Charles Fleischmann
Member of Congress



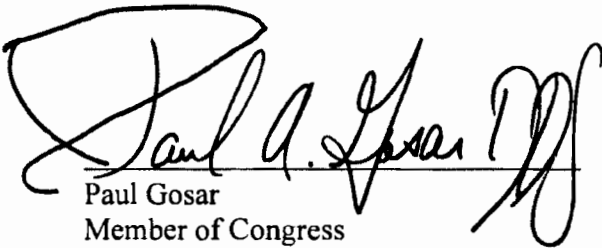
Bill Flores
Member of Congress



Renee Ellmers
Member of Congress



Timothy Johnson
Member of Congress



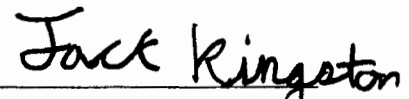
Paul Gosar
Member of Congress



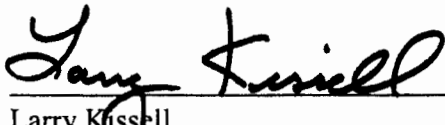
Austin Scott
Member of Congress



Jim Costa
Member of Congress



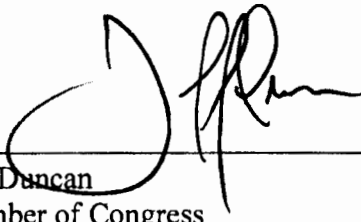
Jack Kingston
Member of Congress



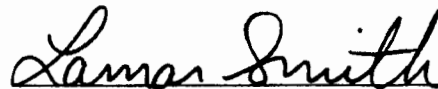
Larry Kissell
Member of Congress



Glenn Thompson
Member of Congress



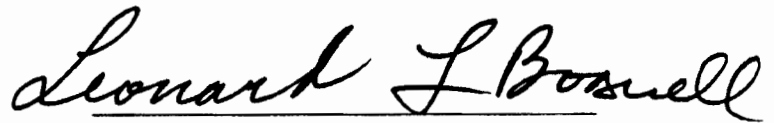
Jeff Duncan
Member of Congress



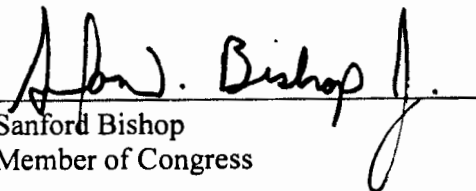
Lamar Smith
Member of Congress



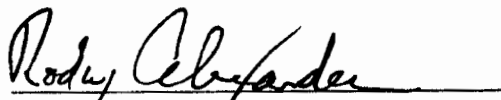
Richard Hanna
Member of Congress



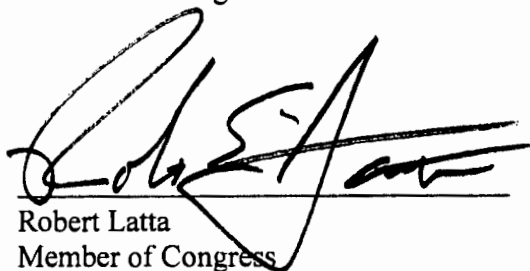
Leonard Boswell
Member of Congress

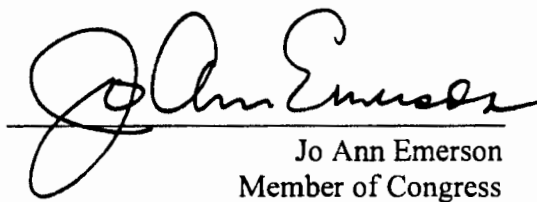

Sanford Bishop
Member of Congress

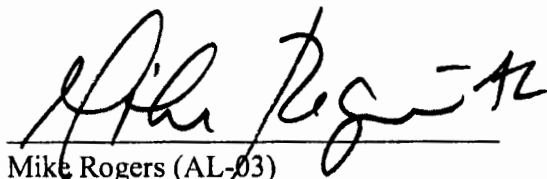

Sam Graves
Member of Congress


Rodney Alexander
Member of Congress

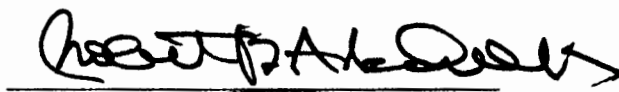

Pete Olson
Member of Congress

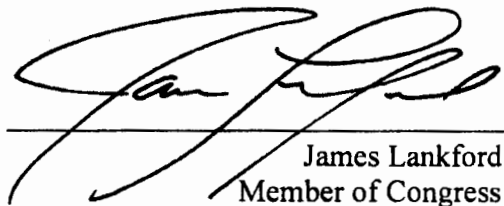

Robert Latta
Member of Congress



Jo Ann Emerson
Member of Congress

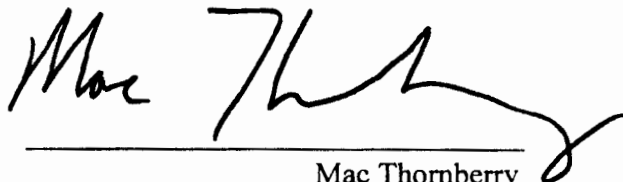

Mike Rogers (AL-03)
Member of Congress


Jo Bonner
Member of Congress


Robert Aderholt
Member of Congress

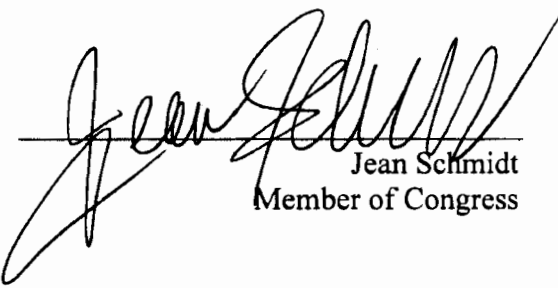

James Lankford
Member of Congress


Alan Nunnelee
Member of Congress

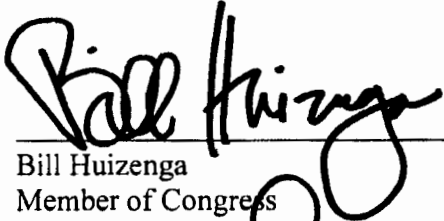

Mac Thornberry
Member of Congress




Kevin Brady
Member of Congress



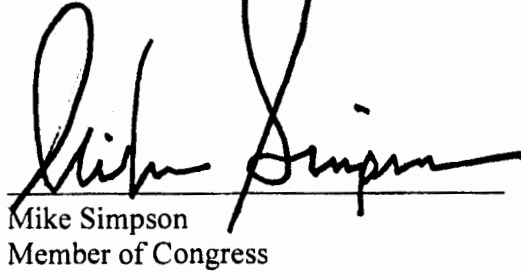
Jean Schmidt
Member of Congress



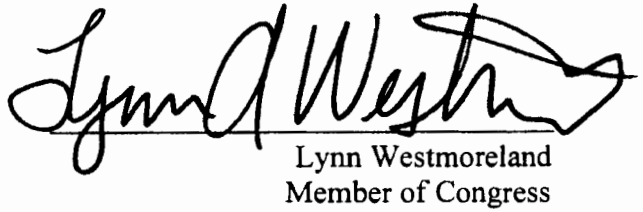
Bill Huizenga
Member of Congress



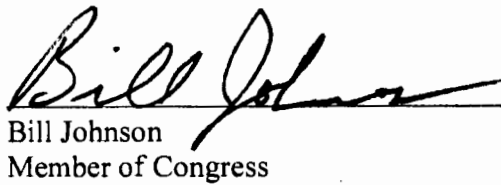
Marlin Stutzman
Member of Congress



Mike Simpson
Member of Congress



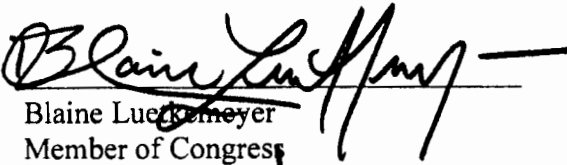
Lynn Westmoreland
Member of Congress



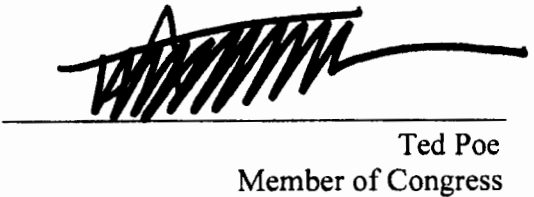
Bill Johnson
Member of Congress



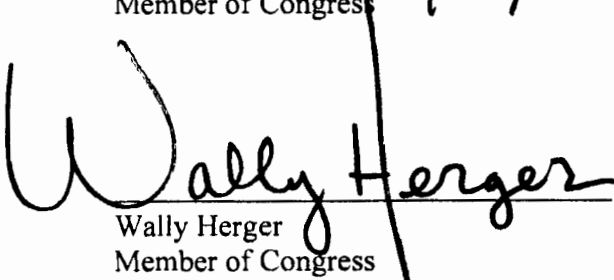
Reid Ribble
Member of Congress



Blaine Luetkemeyer
Member of Congress



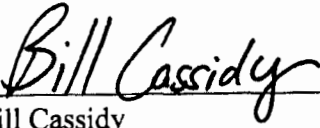
Ted Poe
Member of Congress



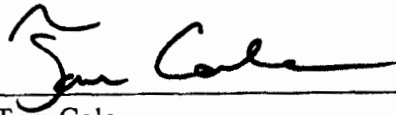
Wally Herger
Member of Congress

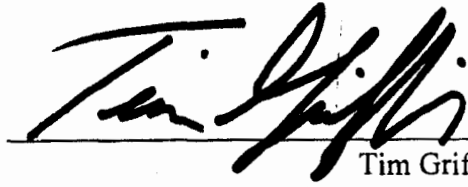


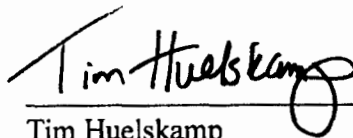
Michele Bachmann
Member of Congress


Bill Cassidy
Member of Congress

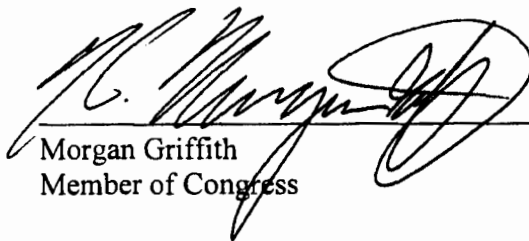

Billy Long
Member of Congress


Tom Cole
Member of Congress

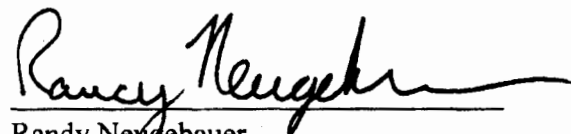

Tim Griffin
Member of Congress



Tim Huelskamp
Member of Congress


Kristi Noem
Member of Congress


Morgan Griffith
Member of Congress

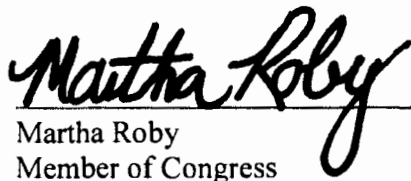

Mike Ross
Member of Congress


Randy Neugebauer
Member of Congress

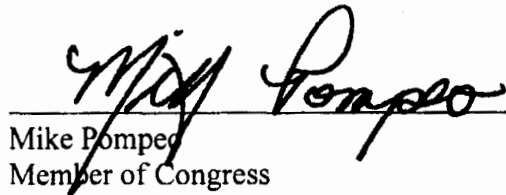

Bennie G. Thompson
Member of Congress

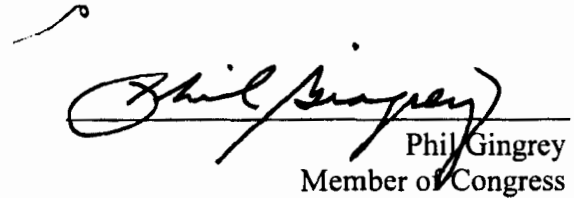

Jeff Vanham
Member of Congress

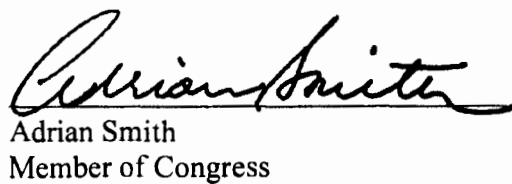

Cathy McMorris Rodgers
Member of Congress

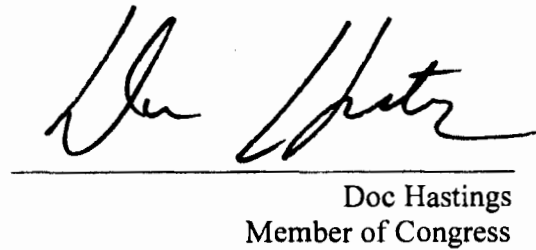

Martha Roby
Member of Congress

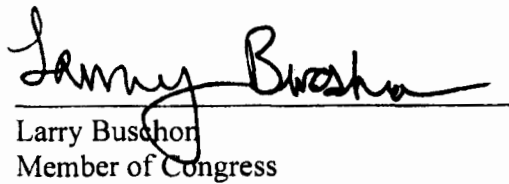

Todd Rokita
Member of Congress


Mike Pompeo
Member of Congress

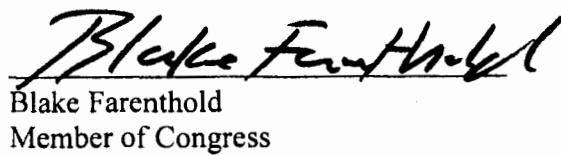

Phil Gingrey
Member of Congress

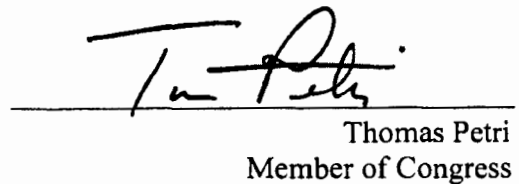

Adrian Smith
Member of Congress

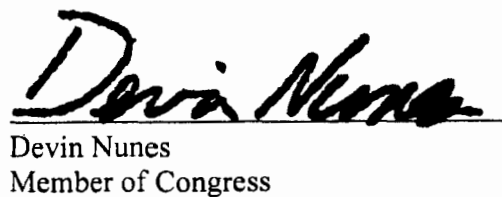

Doc Hastings
Member of Congress


Larry Buschor
Member of Congress

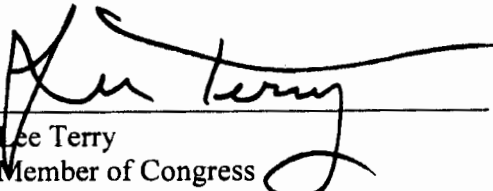

Scott Garrett
Member of Congress


Blake Farenthold
Member of Congress

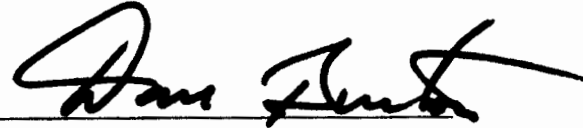

Thomas Petri
Member of Congress


Devin Nunes
Member of Congress



Howard Coble
Member of Congress



Lee Terry
Member of Congress




Dan Burton
Member of Congress




Joe Barton
Member of Congress



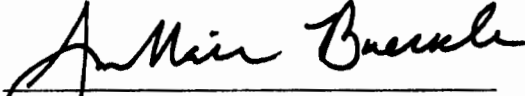
Randy Forbes
Member of Congress



Dan Boren
Member of Congress




Bill Owens
Member of Congress



Ann Marie Buerkle
Member of Congress



Charles Boustany
Member of Congress



Steve Southerland
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 12 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

Thank you for your letter of July 27, 2011, to the U.S. Environmental Protection Agency regarding the Spill Prevention, Control and Countermeasure (SPCC) rule. In your letter, you cited concerns with the implementation timeline for the SPCC rule for farmers and indicated that farmers need additional time to comply with the rule revisions. I understand your concerns and I appreciate the opportunity to share important information about assistance for the agricultural community.

By way of background, the SPCC rule has been in effect since 1974. The EPA revised the SPCC rule in 2002 and further tailored, streamlined and simplified the SPCC requirements in 2006, 2008 and 2009. During this time, the EPA extended the SPCC compliance date seven times to provide additional time for facility owner/operators to understand the amendments and to revise their Plans to be in compliance with the rule. The amendments applicable to farms, among other facilities, provided an exemption for pesticide application equipment and related mix containers, and clarification that farm nurse tanks are considered mobile refuelers subject to general secondary containment like airport and other mobile refuelers. In addition, the agency modified the definition of facility in the SPCC regulations, such that adjacent or non-adjacent parcels, either leased or owned by a person, including farmers, may be considered separate facilities for SPCC purposes. This is relevant because containers on separate parcels (that the farmer identifies as separate facilities based on how they are operated) do not need to be added together in determining whether they are subject to the SPCC requirements. Thus, if a farmer stores 1,320 US gallons of oil or less in aboveground containers or 42,000 US gallons or less in completely buried containers on separate parcels, they would not be subject to the SPCC requirements. (In determining which containers to consider in calculating the quantity of oil stored, the farmer only needs to count containers of oil that have a storage capacity of 55 US gallons and above.)

Your letter expresses concern about a lack of Professional Engineers (PE) available to certify SPCC Plans. However, most farmers do not need a PE to comply with the SPCC requirements. When the SPCC rule was originally promulgated in 1973, it required that every SPCC Plan be PE certified. However, the EPA amended the SPCC rule in 2006, and again in 2008, to create options to allow qualified facilities (i.e. those with aboveground oil storage capacities of 10,000 gallons or less and clean spill histories) to self-certify their Plans (no PE required) and, in some cases, complete a template that serves as the SPCC Plan for the facility. The SPCC rule requires that the owner or operator of the facility (in this case, a farm) prepare and implement an SPCC Plan. The Plan must be maintained at the location of the farm that is normally attended at least four hours per day. The EPA updated the Frequent Questions on the SPCC Agriculture webpage to include this clarification.

Additionally, during development of the SPCC amendments EPA and the U.S. Department of Agriculture (USDA) gathered information that indicated that approximately 95 percent of farms covered by the SPCC requirements are likely to qualify to self-certify their Plan—that is, no PE certification. Farmers that require the use of a PE and have difficulty finding one before the compliance date may contact the EPA Regional Administrator for the region in which they are located and request a time extension to amend and prepare an SPCC Plan.

EPA understands the issues raised by the farm community and is currently evaluating the best approach to resolve the identified issues. We are working hard to explore viable options for addressing the concerns you have raised. At a minimum, as noted above, those farmers who cannot meet the November 10, 2011, compliance date may request an extension as provided for specifically under 40 CFR 112.3 (f), which states:

“ Extension of time: The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment of a Plan thereto, beyond the time permitted for the preparation, implementation, or amendment of a Plan under this part, when he finds that the owner or operator of a facility subject to the section, cannot fully comply with the requirements as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees....”

Among the options we are exploring is an appropriate and expeditious process by which such an extension could be of value in addressing the legitimate concerns raised on behalf of agricultural producers.

The Frequent Questions on the EPA's SPCC for Agriculture webpage reflect this information to ensure that farmers are aware that an extension is possible and to describe the process to request such an extension. The address for that website is http://www.epa.gov/emergencies/content/spcc/spcc_ag.htm. We will continue to explore opportunities that would trigger approval of such exemption requests and will investigate mechanisms to help farmers request an extension.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We also welcome your suggestions for additional outreach and compliance assistance approaches.

Sincerely,



Mathy Stanislaus
Assistant Administrator



12-000-6737

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 16 2012

THE ADMINISTRATOR

The Honorable Michele Bachmann
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bachmann:

It is my pleasure to inform you that the U.S. Environmental Protection Agency (EPA) has recognized one of your constituents, Andersen Corporation, as a 2012 ENERGY STAR award winner. This award recognizes Andersen Corporation's leadership in reducing greenhouse gas emissions through improved energy efficiency. The awards were presented during a ceremony on March 15, 2012 in Washington, DC.

The 2012 ENERGY STAR award winners have distinguished themselves from nearly 20,000 program partners by making a long-term commitment to energy efficiency and leading the way for others through their example. These leaders prove that climate protection efforts can be good for the environment and good for the bottom line, and they are driving market transformation through their innovative practices and significant technological advances. As a diverse set of product manufacturers, utilities, building owners and managers, retailers, and homebuilders, they represent the partners nationwide that are achieving remarkable benefits through the ENERGY STAR program.

I am pleased to report that their efforts, along with the efforts of others, have made a significant impact. The ENERGY STAR label can now be found on more than 60 types of energy-efficient products, as well as top-performing new homes, schools, commercial buildings, and industrial plants. Last year alone, ENERGY STAR helped Americans save about \$23 billion on their utility bills and reduce greenhouse gas emissions equivalent to those from 41 million vehicles.

Please help us congratulate Andersen Corporation for their achievements in improving energy performance and protecting the environment. If you or your staff have any questions or would like more information, please contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", is written over a horizontal line.

Lisa P. Jackson

1 2006-5941

MICHELE BACHMANN
6TH DISTRICT, MINNESOTA

COMMITTEES:
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

FINANCIAL SERVICES

ASSISTANT REPUBLICAN WHIP

TEA PARTY CAUCUS CHAIRWOMAN

ADOPTION CAUCUS CO-CHAIR

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Congress of the United States
House of Representatives
Washington, DC 20515-2306

103 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2331

6043 HUDSON ROAD, SUITE 330
WOODBURY, MN 55125
(651) 731-5400

110 2ND STREET S, SUITE 232
WAITE PARK, MN 56387
(320) 253-6931

www.bachmann.house.gov

March 21, 2012

Andrea Baker
Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave NW Rm 3426 ARN
Washington, DC 20460

Dear Andrea,

My constituent, Mike Fleischhacker, has contacted me about his business receiving an unannounced visit by an EPA Official. It is my understanding that during the visit, the EPA official only showed Mike a badge, then began asking questions and inspecting his property. Mike has informed me that the official never produced any documentation or order stating the reason for the inspection.

Today my constituent was notified by a neighbor that this same official inspected his business. I am including information for my constituent and the EPA official provided to me for your records and convenience:

Constituent:
Mike Fleischhacker
MJF Masonry and Concrete Inc. (MN DOLI: CR 001460)

EPA Official:
Richard Polansky
(612) 280-8657

I would appreciate it if you would provide me with whatever information you feel may help address my constituent's concerns. Please address your response to Jason Frye of my office at 6043 Hudson Rd Suite 330 Woodbury, MN 55125 or by email at jason.frye@mail.house.gov.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,



Michele Bachmann
Member of Congress



**Congresswoman Michele Bachmann
Minnesota 6th District**

PRIVACY RELEASE FORM

Pursuant to the Privacy Act of 1974, I/we hereby authorize United States Representative Michele Bachmann or her casework staff to make an inquiry on my/our behalf to the

I authorize the release of all pertinent information about me/us necessary to respond to their inquiry. By signing this release, I/we hereby acknowledge that my/our request is not the subject of litigation.

Mike Fleischhacker
(PRINTED NAME)

Mike J. Fleischhacker
(SIGNATURE)

Anne Fleischhacker
(PRINTED NAME)

Anne Fleischhacker
(SIGNATURE)

16040 Jeffery Ave N
(STREET ADDRESS)

Hugo MN 55038
(CITY/ZIP CODE)

(PHONE NUMBER)

(BIRTHDATE)

(SOCIAL SECURITY OR CLAIM #)

(TODAY'S DATE)

Please Give a Brief Description Of Your Problem
(attach additional pages or supporting documents if necessary)

Return or Send Form To:
Congresswoman Michele Bachmann
Century Office Park
6043 Hudson Road, Suite 330
Woodbury, MN 55125
Fax: (651) 731-6650 Phone: (651) 731-5400
If sending fax, please also mail-in original.



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

MAY 02 2012

The Honorable Michele Bachmann
Member, U.S. House of Representatives
6043 Hudson Road, Suite 330
Woodbury, Minnesota 55125

Dear Congresswoman Bachmann:

Thank you for your March 21, 2012 letter regarding constituent Mike Fleischhacker's concerns with an inspection by the U.S. Environmental Protection Agency.

EPA's Underground Injection Control program conducts inspections to identify facilities that dispose of waste water in shallow injection wells. These wells are typically on-site disposal systems such as floor and sink drains that discharge into a dry well, septic system, leach field, or similar types of drainage wells. These inspections permit EPA to identify facilities that are not complying with regulations and may contaminate underground sources of drinking water.

On March 6, 2012, Richard Polanski, an EPA contract inspector, visited Mr. Fleischhacker's facility at 16040 Jeffrey Avenue North in Hugo, Minnesota (inspection report enclosed). Mr. Polanski reports that he followed EPA's standard operating procedures for conducting an inspection, including displaying his badge and explaining the purpose of the inspection. While Mr. Polanski did not discover an injection well at the facility, he observed the discharge of wastes directly to the ground outside the building. Mr. Polanski advised Mr. Fleischhacker to contact the Washington County Health Department to determine whether this disposal method is permissible. On April 24, 2012, Jeff Travis from the Health Department confirmed that the disposal method is not permitted and that an acceptable alternative method of disposal must be implemented.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Gawlinski, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S Hedman", is written over a horizontal line.

Susan Hedman
Regional Administrator

Enclosure

Feb 25 08 01:17p

Office of Rep. Bachmann

320-240-6905

P. 1

MICHELE BACHMANN
8TH DISTRICT, MINNESOTA

COMMITTEES:
FINANCIAL SERVICES

HOUSE REPUBLICAN
POLICY COMMITTEE

ASSISTANT REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-2306

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WASHINGTON, DC 20515
(202) 225-2331

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WOODBURY, MN 55125
(651) 731-5400

110 2ND STREET S, SUITE 232
WAITE PARK, MN 56387
(320) 253-5931

www.bachmann.house.gov

Congresswoman Michele Bachmann (MN-06)
110 2nd St S, Suite 232
Waite Park, MN 56387

DATE: 02/25/08

TO: Environmental Protection Agency (EPA)

FAX: 312-353-1120

RE: Congressional Inquiry

FROM: Karen Phipps, Constituent Services Rep. PAGES: 6 (including cover)

MESSAGE:

Dear Congressional Liaison Officer,

Recently I was contacted by Mr. *SK* *6* regarding his concerns about a county road project and its environmental impact.

For your review, please find following copies of the information with which I have been provided. The hand-written sheet that is divided down the center is a comparison of the county's design (left column) to Mr. *SK* *6* suggested design (right column).

I am forwarding Mr. *SK* *6* concerns and ask only that they be given the appropriate attention within EPA guidelines.

Thank you for your kind attention to this matter.

Sincerely,

Karen *KP*

Karen Phipps
Constituent Services Rep.
Office of Rep. Michele Bachmann
karen.phipps@mail.house.gov
Phone: 320-253-5931
Fax: 320-240-6905



Congresswoman Michele Bachmann
Minnesota 6th District

PRIVACY RELEASE FORM

Pursuant to the Privacy Act of 1974, I/we hereby authorize United States Representative Michele Bachmann to make an inquiry on my/our behalf to the EPA.
I authorize the release to her of all pertinent information about me/us necessary to respond to her inquiry. By signing this release, I/we hereby acknowledge that my/our request is not the subject of litigation.

(PRINTED NAME)

(SIGNATURE)

(PRINTED NAME)

(SIGNATURE)

(STREET ADDRESS)

(CITY/ZIP CODE)

(PHONE NUMBER)

(BIRTHDATE)

(SOCIAL SECURITY OR CLAIM #)

2-22-2008
(TODAY'S DATE)

Please Give a Brief Description Of Your Problem
(attach additional pages or supporting documents if necessary)

See Letter

Return or Send Form To:
Congresswoman Michele Bachmann
110 2nd St S, Suite 232
Waite Park, MN 56387
Fax: 320-240-6905
Phone: 320-253-5931

If sending fax, please also mail in original

February 22, 2008

Congresswoman Michele Bachmann
110 2nd Street South
Suite 232
Waite Park, MN 56387

Dear Congresswoman Bachmann:

First of all I would like to thank you for taking the time to read this.

My name is _____ I'm a Minden Township Supervisor. I'm writing to you about a road project in Benton County. The road is project #29. Several property owners, myself included, want #29 to be built, however we disagree with the route the county is planning to take. We don't like that their plan is to go through, and skirt, several areas of wetland and a nice stand of mature trees. Their plan would also take the road through several farmers' fields effectively cutting them in half.

I spoke to the county about an alternate route which would avoid the farm fields, save many trees and limit the impact to the wetlands. The route the county plans to take will damage between 7 and 15 acres of wet lands. The alternate route would only disturb approximately 1 ½ to 2 acres.

I'm enclosing some information that I had previously provided to the county regarding this issue. In addition to saving these valuable resources, I also believe that the alternate route that I'm proposing could potentially save taxpayers somewhere between \$500,000 and \$1,000,000.

Landowners weren't given the opportunity to give any input to this plan, they were only allowed to speak at the county meeting after the decision on the route the road would take, had already been made.

If you have any questions please feel free to contact me at _____

Sincerely,

Here way 29

Suggested way.

Through nice tree's

No Tree's

6 acres wet land

1 1/2 a 2 acres wet

Later may damage 5 Ac
of wet land

No damage

Through good far. land
center (5 farmers field's)

Good high ground

Route longer

a little shorter

Land owners don't want
road

Land owner's willing
to work with County
on this way.

And Tax payers more

Less Cost

DNR. Not Happy

DNR. would rather
see this route

A.P.O. question's route

A.P.O. would rather see

County Board Approves CSAH 29 Corridor Official Map

**County Engineer
authorized to proceed
with right-of-way
purchase process**

At the regular January 22 Benton County Board meeting, a public hearing was held to discuss the CSAH 29 corridor official map and alternatives. According to Bob Kozel, "whether the official map is adopted or not, does not prevent the County from moving ahead with this project. I just prefer to have as many people on board as possible," he added.

Several members of the

public affected by the decision filled the Board Room, and voiced their concerns. Kozel detailed the process and criteria the County used to choose the preferred alternative. Some of these factors included: the number of intersections created with existing routes, degree of curves, access spacing, right-of-way acquisitions, and construction costs.

The chosen alternative takes a small jog to the North, and then after proceeding East, takes a big curve South. A second alternative that was not chosen, but that affected residents seemed to prefer, likewise headed East, but South of the proposed route, and then had a less drastic turn to the South.

"There should not be such a big drastic curve," said Henry Oehrlein, who lives on Golden Spike Road near Sauk Rapids. "The route goes through the middle of a treed area, and wetlands, and we should protect those areas. It seems to be cutting a lot of good farmland in half and I am just upset with the whole procedure," he added.

Chad Pflipsen also expressed concern about flooding and how surrounding wetlands would be affected by the proposed route. He added "this route would cut Terry Molitor's field right in half, and that's like sticking a knife in his back. Further South is just a marginal field that would have less impact on him. Mike Ebnet, Minden Township Chairman, said "we should re-look at this proposal to help Terry out."

the South with the route would be less road footage (less cost), so I would be in favor of putting this on hold for now to re-evaluate," said Commissioner Joe Wollak. "When you have five of the seven landowners concerned, we should take another look," he added.

"One of the things that puzzled me, is that Mr. Oehrlein previously spoke against allowing roundabouts along the CSAH route, but now all of a sudden he wants them," said Commissioner Earl Bukowski. He added that "the proposed route seems to have the least impact on wetlands. . . we have to move forward with this and not just sit on it."

Commissioner Jim McMahon indicated that he was "torn here, but wetlands were my concern, and now I find out that the proposed plan has the least (negative) effect."

Soyka made a motion to adopt the resolution approving the CSAH 29 official map, and authorizing County Engineer Bob Kozel to proceed with the process of right-of-way land acquisition along the approved corridor. The motion passed with a 3-2 vote, with Commissioners Walter and Wollak against.

Marty Reker, who owns property in the area of the corridor indicated that he was in favor of the proposed route, and would even donate land so the project could be done "the sooner the better."

One of the factors in choosing the approved alternative, was that it created fewer intersections. The citizens indicated that roundabouts were not considered as an option in the selection process, so the project should be put on hold and re-evaluated.

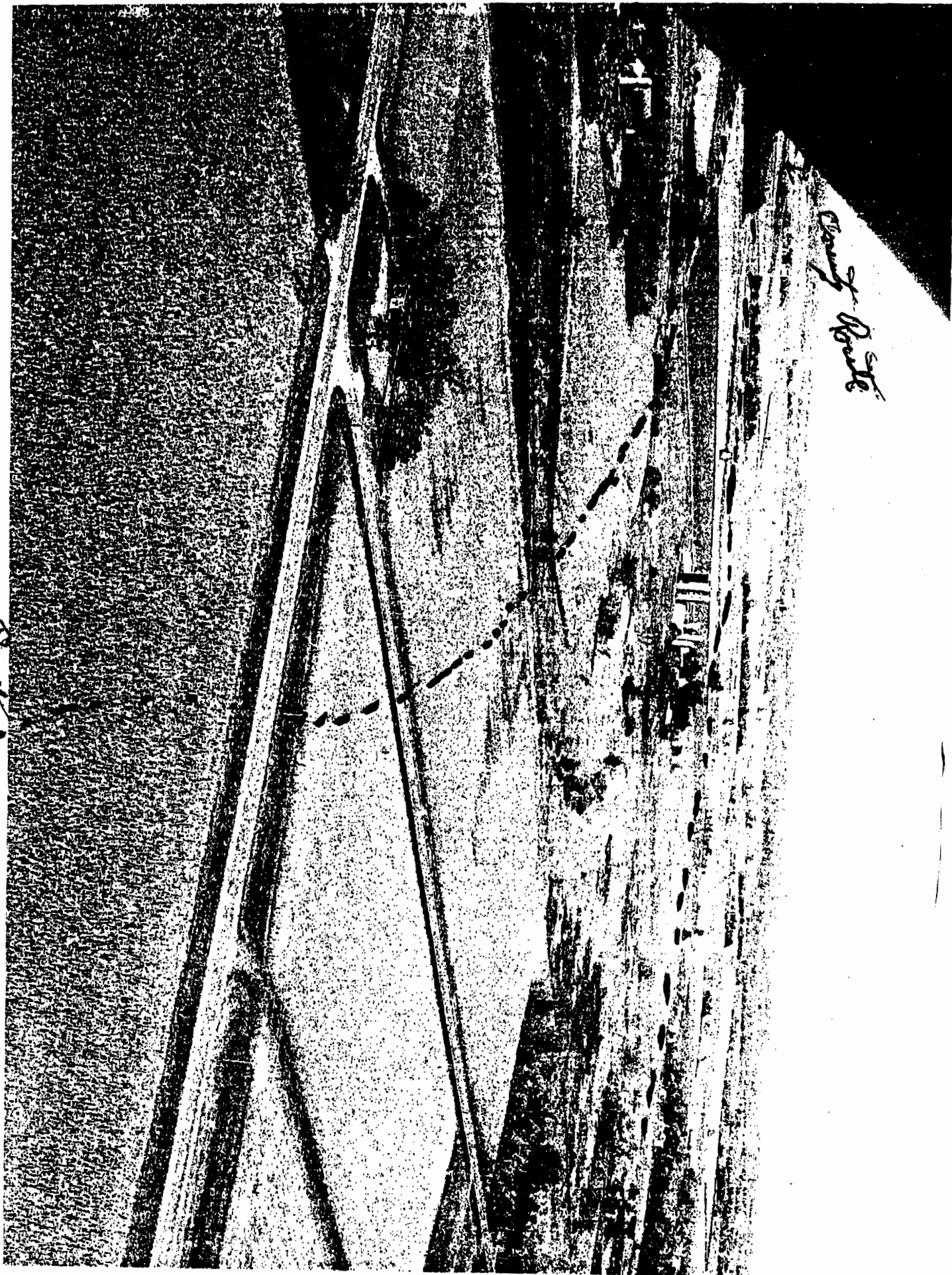
"I sat in on every public hearing, and we spent \$250,000 on a consultant and staffing (analyzing the proposals). . . now we are going to waste more taxpayers dollars prolonging this," stated Commissioner Dick Soyka. "Wetland assessments were done with findings of no significant impact," he added.

"It appears that going to

Continue to top
of 3rd column

May Route

County Route





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 06 2008

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Michele Bachmann
Member, United States House of Representatives
110 2nd St. S, Suite 232
Waite Park, MN 56387

Dear Congresswoman Bachmann:

Thank you for your letter dated February 25, 2008, which conveyed the environmental concerns of your constituent, Mr. [redacted] regarding a proposed future extension of County State Aid Highway 29 (CSAH 29) between CSAH 1 and Trunk Highway 23 (TH 23) in Benton County, Minnesota. Specifically, Mr. [redacted] expressed concern that the proposed route that Benton County plans to preserve for the roadway extension would impact more agricultural land, forest, and wetlands than a route that he proposes.

Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency reviews and comments on major federal actions of other federal agencies. Typically, these reviews focus on Environmental Impact Statements (EISs), but we also have the discretion to review and comment on other environmental documents prepared under NEPA, such as Environmental Assessments (EAs), if interest and resources permit.

In 2006, Benton County, in conjunction with the Minnesota Department of Transportation (MNDOT) and the Federal Highway Administration – Minnesota Division (FHWA), prepared a state/federal NEPA EA for the preservation of right-of-way (ROW) for the CSAH 29 extension project. Due to resource constraints, EPA did not review this EA at that time. Subsequently, on February 14, 2007, FHWA issued a Finding of No Significant Impact (FONSI) for the ROW preservation for the CSAH 29 proposal. This means that FHWA determined that they will not have to prepare an EIS for the ROW preservation proposal.

If and when Benton County decides to move forward with project construction and if federal highway funds will be used for the project, then FHWA will prepare another NEPA EA. Mr. [redacted] will have another opportunity to share his route suggestions and environmental concerns with FHWA for their consideration as the lead federal agency. In addition, if the project involves filling of jurisdictional wetlands, Benton County will need to obtain a U.S. Army Corps of Engineers (Corps) Clean Water Act Section 404 (wetlands) permit. During review of the permit application, the Corps would determine whether or not the currently proposed route, or some other route, is the Least Environmentally Damaging Practicable Alternative that should be permitted. We recommend Mr. [redacted] contact FHWA and the Corps and request that they keep him

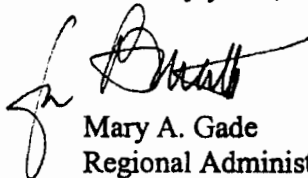
apprised of any future opportunities to provide comment during the FHWA NEPA process or Corps' 404 permitting process for the CSAH 29 extension project. The FHWA and Corps contact information is:

Mr. Chris Cromwell, Transportation Engineer
Federal Highway Administration
Galtier Plaza
300 Jackson Street, Suite 500
St. Paul, MN 55101-2904
Phone: (651) 291-6100

Mr. Robert Whiting, Chief
Regulatory Branch
U.S. Army Corps of Engineers, St. Paul District
Attention: CEMVP-CO-R
Army Corps of Engineers Centre
190 Fifth Street East
St. Paul, MN 55101-1638
Phone: (651) 290-5354

Again, thank you for your letter. If you have any questions, feel free to contact me, or your staff may contact Mary Canavan or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely yours,



Mary A. Gade
Regional Administrator

